A

App. F. IX-4

192 (.

File No. 77754

Previous References

(Cowl)

Serial Nos. 1, 9A-9B

Later References

CS-81-37-9

PRESERVED

General and Revenue Secretariat.

Serial Nos.

Part B for Oct. Dec 1927 (manuscript)

SUBJECT

G. R. S. III.—11 1926

GENERAL AND REVENUE SECRETARIAT.

NOTES.

File No. 227-26

FILE HEADING.

Improvements in the working of civil and criminal courts.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

WD 1881—GPB—30,000—1s3-21

LIST OF SUBJECTS FOR DISCUSSION AT THE MEETING OF DISTRICT COMMISSIONERS AND SENIOR MEMBERS OF THE STAFF ON THE 16TH OCTOBER 1956.

...

1. Review of progress made in respect of subjects considered at the last meeting.
2. Preparation of electoral rolls in connection with Representative Assembly and Legislative Council elections.
3. Arrangements to be made in regard to the establishment of Village Panchayats.
4. Organization of Economic Conference work in the Districts and the work of the District Economic Superintendents.
5. Improvement of the work of District Conferences.
6. The utilization of the grants made for sinking wells for economic development and other improvements.
7. Facilities to be afforded to local officers for Educational and Industrial Survey.
8. District and other Exhibitions.
9. Road Improvement.
10. Increase in facilities for relief in rural areas.
11. Measures in regard to land reclamation and any special difficulties encountered.
12. Disposal of petitions and documents in the Revenue Department and improvement of business in revenue offices.
13. The working of the Sub-Registrars' Courts.
14. The working of the Encumbrances rules.
15. Reduction of establishment in District offices as a result of the introduction of the simplified system of office procedure.
16. The question of improving the status of District Shanbogues.
17. The Durga Land Estate claims.
18. Sanitary measures about the Ford-side Villages.
19. Proposals for the improvement of urban areas.
20. Village improvement programmes.

3

22. Administration of local cess income and expenditure in the two Talukas and the question of levying and administering railway and education cess in the Talukas.

23. The question of distri[illegible] boards appointing their own Engineering staff, the Executive Engineers being chairman of Works Committees.

23. The question of associating a few non-officials with the Collector for specified matters connected with Village Panchayats in lieu of Taluk Boards which will be abolished.

24. The question of preventing competition between motor buses and the railways.

X

4

1753 P

WD 0784—GPB—40,000—17-12-26

App. F. III—2]

General and Revenue Secretariat

File No. 27 of 1926

Serial No.

The meeting of Deputy Commissioners and select Heads of Departments.

...

The next meeting of Deputy Commissioners and select Heads of Departments and Secretaries to Government will be held at 8.30 A.M. on the 15th instant at "Lake View", the Dewan's residence. A list of the subjects proposed for discussion is placed below.

...

Copy of the above is forwarded, with compliments, to the Assistant Secretary, Revenue Branch, for information. Brief notes on the subjects relating to his departments may be kindly sent to the Revenue Branch before the 13th instant.

By order,

For Chief Secretary to Govt.

Submit.

Subjects 13 & 14 relate to this Dept, though also relate to the Rly Dept.

Re. 13 - Working of Govt Mfgrs Cantt - Containing Progress Report on the working of the during the year 1925-26 are put up.

Ans 11/12

NOTE—Contn. Sheet

5

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The working of Special Magistrates' courts.

The marginally noted subjects are proposed to be discussed at the meeting of the Sy Council & Asst Secy of Affs that will be held on the morning of 15-10-26.

Brief notes on the subjects may be kindly sent to the Hon Revenue Secy before the 13th inst.

A note re the action taken on the subjects discussed at the last meeting upto date may be kindly furnished immediately.

11/10

To The Asst Secretary Protection Branch with enclosures.

X 11/10.

Subs.

The Special magistrates' courts have been doing good work and from the Progress reports received it is seen that the long delays complained of have been remedied to a great extent. But there is the complaint that the courts are situated at long distances rendering justice costly and difficult for people in the mahals and in the interior or frontier. The above figures bothered that the Special

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

6

6

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Magistrates' Courts (Inspectorate of them) have not enough work to do. The Civil Justice Committee have recommended abolition of criminal and civil jurisdiction in the hands of the Munsiff which if sanctioned may to a certain extent increase the number of Courts available and thus make some help. There is also the recommendation of abolishing one or two existing criminal courts in Kehelpanna and Kachcheri St.

2/10/26

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

C 132 p 26

1255/2 WD 01264—GPB—40,000—17-12-2

App. F. III—2]

General and Revenue Secretariat

No File No. 227 of 1926

Serial No.

This file was received in this Branch for reference in connection with the Bye-laws meeting. The file may now be returned to the Protection Branch, as the meeting is over.

Asst.
16-10-26.

Yes 17/10 cmg 18/10.

Secy

A copy of the discussion on the subject is necessary to take further action. The Revenue Branch may be requested to put up extracts of the proceedings relating to these subjects — Yes.

20/10/26 cmg 20/10.

The proceedings of the meeting are under preparation. As soon as they are ready, a copy of the discussions on the subject will be sent to the Protection Branch for favour of necessary action.

Asst
21-10-26

Protection Branch.

23/10

G.T.O

NOTE—Contn. Sheet

1. Special Magistrate Courts. ~~Every quarter~~ a report is received ~~of~~ the work done by the Special Magistrates' Courts, with explanations for cases pending over two months. Special reasons have to be assigned, if any case is pending for over six months. From the reports received so far, the Special Courts appear to be working well & the long delays that were complained of prior to the introduction of the separation Scheme have practically disappeared. There is however, a dissatisfaction on the part of the Public in connection with the long distances they will have to travel to prosecute their cases. It is even said that rather than go such long distances & take witnesses also with them, the parties sometimes prefer not to complain for this very justice is denied to them. There may be some truth in this allegation. For the convenience of the parties, ~~Sessions of the Special~~ itinerant Courts were proposed & one at Tirthahalli was tried & reported to be working fairly satisfactorily. Whether an extension of this principle may prove satisfactory is a point for investigation. There is also a proposal (recommended by the majority of the Civil Justice Committee) to appoint Munsiff Magistrate of a group of two taluks or so. Some

Typed Reply as note
There are complaints regarding long distances which parties have to go. How this can be obviated is for consideration. Itinerant courts and ~~Circuits~~ of Munsiff-Magistrates for every two taluks are suggested. The cost is not likely to be more.

C.D. No. 3/P/26

of the Special Magistrates & some of Municipals have not enough work. If the proposed funds favour, the Scheme may satisfy the demand of the parties to a certain extent & also give enough work to the Officers. It may be possible under the Scheme to give a Sub-Judge & first Class Magistrate for each District & the Cost is not likely to be much more than what it is now.

2. Last meeting of the Deputy Comrs. Meeting subject that related to this Branch was amendment of the Motor Vehicles Rules. A draft amending the rules in accordance with the proposals approved at the D.C's meeting is ready & is ordered to be submitted to the Member in person at the earliest opportunity & the convenience of the Member, the file will be submitted in person.

Under Secy
with Compts

Secy
13/10

Extracts of the proceedings of the meeting of the Dy Comrs and certain Heads of Departments held at Cubbon Park, Bangalore on 15th & 16th Oct 1926

Para. 19. The working of Special Magistrates' Courts

It was stated that disposals were now quicker than before. The Special Magistrates had not enough work to do. The Courts were also too far about. The Laws' Delays' Committee recommended entrusting two taluks to each of the Special Magistrates and re-distributing the work. The Inspector General of Police complained that the Courts were not prompt in enquiring into police cases. It was stated in reply that the remark might apply only to the City Magistrates' Courts which had heavy files and not to the mofussil courts.

It was said that the public had no confidence in the Bench Magistrates and that they should be replaced by Special Magistrates.

The Dewan replied that names need not be suggested for Bench Magistrates' Courts unless candidates qualified for the work were forthcoming.

It was finally decided that the suggestions regarding the Special Magistrates' Courts might be considered in connection with the Report of the Laws' Delays Committee.

Q The question of improving the working of Special Magistrate's Courts has been dealt with separately. A draft consulting the Bench Court has been sent to the Dewan's approval. This will be filed along with the papers when received

R A: may be done

DEWAN'S MINUTE. Special memo No. 107

FILE No. 192. 28.12.26

I Memo with Complements.

1) I find from the Law D. Committee report, that some Special Magistrates have heavy work, many have hardly any, or at any rate, very light work.
I feel that a Judge of the C.C., perhaps the C.S.D. Spr. may be requested to go into this question, & town round the state of the work necessary to be, & after inspection the Spl. Magistrates' Courts, report & good what he would suggest to improve matters.

2) The D. Spr. seems the most competent man we can find for this job, as he has studied the problem from the standpoint of Civil Justice. I daresay he may have to undertake it during the coming Summer vacation, & give us a report before the end of it. We could then practically act & good.
If you agree, the C.C. may be asked in the matter.

3) The amalgamation of the Sp. Magis. with the J. Dept. is, I believe, separable under Section.

(JM) Mudgaonkar
27.12.26

12 2875

G.R.S. III—3

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Secret Please keep (Dewan Mano 107)

DEWAN'S OFFICE.
Received on
31. DEC. 1926
Reg. No. 4838

Lee
29/12

5) Please publish a copy of the Report + also the file relating to the Amalgamation of the Cadres. There was a resolution + all the papers are in the file relating to the resolution.

cag
29.12.

6) Chief Court opinion on point in connection with the separation Scheme is in file – Please put it up as also the file in which the Minutes of Narasimharaju's proposal is invested.

cag 29.12

Send with the file

(Removed on 19-1-27)

29/12/26 7) There is not much here in forming mind as decisions have to be made on the basis of statistics of work, & not on actual inspection. (It is want of work that is the trouble, & the separation Scheme remains)

8) A rough scheme was worked out in the office in connection with Mr. D'Souza's amalgamation Scheme & is placed below. This may be sent to the Chief Court for opinion; & may be considered in Council after the opinion is rec'd. Of course if the Judges or any of them wish to have oral discussion it can be done: but it does not seem necessary for the decision of this question.

(K. Chandra Lee)
30/12

7) I shall ask Mr. D. to submit a report to Govt on this question. He can consult him informally if he is quite willing to do it. He is in a peculiarly advantageous position to advise Govt in this matter. He can also consult Lobo. Mirza M. Ismail (Mir)
31/12

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

6831
31/1

9) Dewan with Compts.

cag 30/12

Finance Member) Agreed (Lee) (Schenck) cag

WD 01329—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat

CS File No. 27 of 1926

Serial No.

9 Subd with a draft D.O. for consideration. Does addressed to the Regr. chief Court, in accordance with the last sentence of para 2, supra. Perhaps a G.O may have to issue placing Mr Doraswami Iyer on the work, as question of his t.a &c if he shared taxi will come up later.

31.1.27

Asst Sec'y

10 Subd with a draft D.O. revised as directed

Asst. Sec'y & Addl Secy to Govt

6/1/27

Please type as revised. Cag 8/1

11 A draft is subd for Consideration. As ordered by the First Member, when the file was subd, a copy of the draft Munsiff-Magistrate Scheme, is also proposed to be sent. Mr Doraswami Iyer as Chairman of the Committee has expressed himself against the Munsiff-Magistrate Scheme (vide para 410 of the Report). But in the very next para 413, the Committee (including the Chairman) recommend the transfer of Civil cases to lightly worked Magistrates (as they are for Magistrate-Munsiffs & not Munsiff-Magistrates — which is perhaps incorrect as the objects is same, apply to both the Schemes. In the D.O. the advantages of the Scheme are pressed as [illegible]

NOTE.—Contn. Sheet

Serial No.

Committee himself to one view, in order that if possible, he may reconsider the question with an open mind.

L & L Secy
1st Member.

Cas

7294/13.1.

17) I agree. Submit to Dewan before issue.

Dc
13/1/26

Dewan.

Cas
13/1

13

14

Dc
17.1.26

15) As a result of discussion alternative drafts are submitted for consideration. Whichever is approved will be issued

8084/29/1

L & L Secy
1st Member

16) Draft 1 appd

Dc
29/1

Cas
-27.1

29.1

15

NOTE. Contn. Sheet

General and Revenue Secretariat

File No. 22-

2675

15

Serial No.

17 22) For perusal before issue

Dewan)

23)

18) I Mark Dep. A. Obs. 4 Mon tentative. We want the C.S.D. to go into the question, it is just as well to say so

M2
31.1.27

1st member.

8179
1/2/27

1.2.27

19. 22) No objection. Draft a slight Unsigned reg issue after Dewan's perusal. The Head repair has Shame the Censure of the Judges, altho the D. Dept may be the author. He is also proposed to have an informal talk with the Chief Judge & the D Dept taken on

Dewan.

Obe
1/2/27

1.2

20 3 .2.27) M

28
2/2

Obs 2.1

5/2 Mme

28
5/2

1 To Madras City Court. Letter No 3988) 2
Requests that new Police Commissioner
may go into the question of the
of magisterial and
proposals

NOTE—Contn. Sheet

WD 01229—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat

15 File No 227 of 1926-27

Serial No.

From

The Reg: Lahij. Court Letter no Roc 923/19-3-27 States that Mr. Justice C.S. Doraswamy Iyer will take up the question and deal with it during the ensuing Summer vacation and a finial reply will be sent in due course.

From

The same officer. Letter no Roc 958/19-3-27 States that the question of the Continuation of the Cadres of the Civil and Magisterial officers will be considered along with the question of the Continuation of the Civil and magisterial functions which has been set for being considered by Mr Justice C.S Doraswamy Iyer in the ensuing summer vacation and a finial reply will be sent to Govt. in due course.

22 Orders for perusal

29.3.27
30.3.27
AMS
803

23) With regard to the Continuation of Civil and magisterial functions it is stated that Mr C.S. Doraswami Iyer J. will take up the question and deal with it during the ensuing Summer vacation and a finial reply sent to Govt.

28 & 29 With regard to the Continuation of Cadres it is stated that the question will be taken up along with the question above

10105/31/3

NOTE. Contn. Sheet

Temporary and Subordinate Services

Subject.

Question of amalgamation of civil and criminal functions.

Secretary's Minute.

Fit for consideration

17

First Member's order.

Question of amalgamation of civil and criminal functions.

26

After Dewan's return Law Secretary may please take his orders re. another joint meeting. Registrar to be requested to kindly expedite report.

Dated 1. M. C.

K. B. Kandy

37 Entered Send to the Secretary, Law Department.

Sd

21/5/27

Sd

21.5.

OFFICE OF THE SECRETARY
D. 1272
23 MAY 1927
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL
S. M. A.

(As intimated by the P.A. to H.E. the Governor today)

38 Submit to Hon. Min. says.

Sd

28.5.27

39 Take action as above

Sd

28/5

28/5

Sd 28/5

40 Send with above R/P: After which the file will be returned for taking necessary action as ordered

ISSUE & RESUBMIT.

Sd

30/5/27

Sd

31/5

Sd

31/5

Return Resubmitted

31/5

Supp. F. III—2]

General and Revenue Secretariat.

File No. 227 of 1926-27

Serial No. 36

32) Send with reference to para 40 above

6/6/27 6/6

(See L.D) 6/6

37

33) The question of another joint meeting of the Judges ~~with~~ of the members of Govt may perhaps be considered after the receipt of the report of the Justice Commission

Dewan 12/6

34 (m) 15.6.27 16/6.

I member) 16/6

35 17/6 16/6

19/6

From Meyer Lilley Comm.
Letter no nil dt 10.6.27.
Asks that the report as it will take a further month for the report to be got ready

NOTE—Contn. sheet.

DEWAN'S OFFICE
Received on
14. JUN. 1927
Reg. No. 9748.

WD 2298—GPB—10,000—4-5-27

36 Extracts from Cts File 184-25 re the revision of the Process Service Establishments of the Civil Courts.

.....

Submitted personally to the First Member.. He ordered that the Chief Court may be consulted as to the desirability of fixing two rates - a lower rate for Small cause cases and a a higher rate for the original suits.

2. After the information is received from the Chief Court he suggests that the matter may be discussed in the conference with the judges of the Chief Court which may take place in July next.

Ind. T.S.

21-6-1927

2045 g27.
P

G.R.S. III—81

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Law Lists

42 Mr Hunza Museum may also
37 be required to be present
on the meeting of the Judges
of Chief Courts. The meeting
may be held in the 2nd
week of August
43 If the Judges do not
38 desire revised ideas
should
be
20/6
21
20/6
28
24/6

19

Ldd.

44
39 As regards para 59 above
adapt will be put up to Mr Hunza
when the Chief Court are requested
a conference after the receipt of
Mr. Justice [illegible]
As the reports has not yet been
received [illegible]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

General and Revenue Secretariat.

No. File No. 27 of 1926.

Serial No. 41

46 First Member's Orders in Cts File 263-26 re the establishment of additional courts as per orders on the report of the Laws' Delays' Committee.

---

47 ' I presume that this should be taken up after the meeting in August. A date after the 8th ~~xxx~~ August convenient to Dewan has to be fixed, the report obtained and points analysed for consideration at meeting. '

48 Ind K.C.
19-7-1927.

20

NOTE—Contn. sheet.

General and Revenue Secretariat.

File No. 227 of 1927.

Serial No.

42 49 Extract of First Member's Orders dated 2-8-1927 in Courts File 37-27 regarding trial by Special Second Class Magistrate, Chitaldrug of certain rioting cases in Molkalmuru.

50 He may once for all finish the prosecution evidence in all the cases; and go again for defence the First Class Magistrate being in charge. This would be probably more convenient. If necessary, Chief Court may be consulted U.O. before issuing orders. This inconvenience will have to be remedied in the Reorganisation which please note.

57 Itd. K.C. 2-8-1927

B

43 60 Submitted for perusal. The file will be put up along with the report of the Chief Justice Mr. C.S Doraswami Iyer when received for Consideration of A+B — above

61 3/8

6/8

45 Submitted with reference to paras 37+41 above. The Justice Mr. S Doraswami Iyer's report has been received and a date has to be fixed for the proposed conference

B

16/8

21

NOTE—Contn. sheet.

WD 0824 -GPB-60,000-24-5-27

30 g.27
P g.27

23

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

46 Report of Mr. Dossajee Dgr. Law Secy Instr

Kindly carry out the Jt Cs carefully.

(1) The advance Copy of the Report may be Circulated at once to Dewan & members of Council. no.

(2) Please request the Registrar today to ask the Sub Judges, Munsiffs & Magistrates to send at once Statts of Cases lodged last year from the various Taluks for each Court. one copy to the Dewr to Regr & one direct to Law Secy. Chief Judge's permission to get the figures direct may be obtained by Regr. The Cases may be classified as regd. Small Cause, regular, 1st, 2nd & 3rd Cases lodged in Bench Courts to also be called for.

(3) Please obtain Dewans orders re meeting. It seems desirable to have two meetings, one with Chief Court Judges for fixing the principles & the second, after details are fairly worked out in accordance with decided principles, with the C.C. Judges, Dist Judges & D.Cs. to fix the finial details once for all.

(4) Please get from C.C.'s office 2 or 3 Sketch maps of Mysore, Gut & Taluk names only - at least double the size of this paper, on wh. the details as they exist now may be entered. This will facilitate disposal. A shall give needful instructions to the draftsman after the wife in 2 is obtained.

(5) I am sorry the Secty scheme has been redrafted thus by Mr. D. Jga. It seems unnecessary to spend time & revitalise it, but I wish to know separately to be sure all the mistakes do exist in the Scheme, & also what.

Lee
19/8/27

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

2 1.(1)
17.8.

17.8.

All in for about accomodation for new Courts Member G.D. must go for at once

22

General and Revenue Secretariat.

File No. 27 of 1927.

Serial No.	
62	(1) Encl. A copy of para (2) has been sent to the Registrar by Court messenger today. Re 3 The file relating to the fixing of a date for the proposed conference has been sent yesterday separately. As regards two meetings it will be noted and submitted with the connected file. A copy of paras 4 & 5 has been taken for taking action. Submitted with reference to para (1) above Encls for Circulation. (Secy L.D) 2nd member 3rd member

17/8/27 17/8/27

17/8

23/8/27

22 AUG. 1927 No. 1039

AUG. 1927 No. 1356

8/8 15/8

25 15/8

25 20/8

8/8 23.8.

25 20/8

22

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

25
1050 - 27

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

49 Law Secy

Please prepare in Hd.
Consultation with Regr
the various points that
may be discussed with
Judges of C.C. on 3rd.

Hd
23/8

8/4
23/8.

24/8

50

Send with a note as regards the
points for discussion

8/4/27
23/8

51) I Hon members has added
(11)+(12) -
the list may be sent to
the Chief Secretary.

Secy (Jud)

27/8

(2) Notes must be
typed on each
item after approval

Secy (Jud)

27/8

N. B.—Should routine notes be written on small slips the notes must be pinned, or slips pasted on this form

94

53) is not a draft

52) Issue
28
27/8

3142
Hdqrs
114

b 28) Submit for perusal
(Finance Secy)

amend no P 1227 } 27-8-27

28
1/9/27

49

General and Revenue Secretariat. | No. 227 of 1926.

Serial No.

x x x x x x

x x x x x x

x x x x x x

3. Please obtain Dewan's orders re-meeting. It seems desirable to have two meetings one with Chief Court Judges for fixing the principles and the second, after details are fairly worked out, in accordance with the decided principles with the Chief Court Judges and Deputy Commissioners so as to fix the final details once for all.

x x x x x x

x x x x x x

Send with reference to paras 30, 42, 47 and 63 above

18/8/27

It was informally ascertained from the Registrar that the report has not yet been received by the Chief Court & it is therefore not known when it will be received. This information was conveyed to the member.

25

NOTE—Contn. sheet

WD 0924—GPB—60,000—24-5-27

27

22/8

Dear Mr Sampagrain

to Saturday 3d

Sept 2 pm with

a Convenient Dewan

Bunch Mr Justice 96

Yours Sincl

Mr Ranchandra

Enclosed for perusal

(1 member)

. R. S. 12]

General and Revenue Secretariat. | File No. [illegible] of 191[illegible]

Serial No.

66) A formal D.O. may be written to the Chief to ascertain when the opinion of the Chief will be received.

28
9/8

67) Submitted a D.O.R.

20/8/27

20/8

68) Submitted with drafts as directed

23/8/27

5 Q Drafts letters to the Resr Chief Court and another to Munshi Abdul Malik Mir Hamza Hussain as per order in para 42 are invited for orders

(I member)

28
24/8

69 Sealed personally. The drafts to the Resr may issue.
Re - Mir Hamza Hussain, the Dewan's order is to be obtained.

70 The file may be circulated to the Members of Council.

28
24/8

Reg (D)

71) Yes

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

PRIVATE SECRETARY TO THE DEWAN · MYSORE ·

26/8

Dear Mr Sivaram

The Dewan does
not consider it necessary
to invite Mr Hamza
Hussein to the Conference
with the Judges of the Chief
Court on the 3rd prox.

Yours sincerely

Sd/- M. Kantaraj Urs
26/8/63

Sealed for perusal

Immediate)

*. R. S. 12]

General and Revenue Secretariat.

No File No. 127 of 1927.

Serial No. 67

CHIEF SECRETARY. 24 AUG. 1927

OFFICE OF THE THIRD MEMBER OF COUNCIL. 25 AUG. 1927 No. 1598

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

42017 30

App. F. III—2]

General and Revenue Secretariat. File No. 27 of 1926.

Serial No.

Chief Secy) 8/9

69 Secy. The II & III Members were not aware that their presence at the meeting was ~~required~~ desired. Kindly prepare a short agenda with notes and send to Secy of the Secrett Officers as are expected to attend the meeting. & also Secretl copies & Index & Marks

only points for Requisn.

Secy
2/9
8
2/9

Secy:

70 69 Copies of the Agenda & notes have been sent & are to be drawn and Members of pro, Kindly keep & Chief Secy.

71 The Members were requested to be present at the meeting as intimated by the Ch. Secy

Ch Secy) 2/9

Secy
2/9
8/3/27

72

NOTE—Contn. sheet.

30

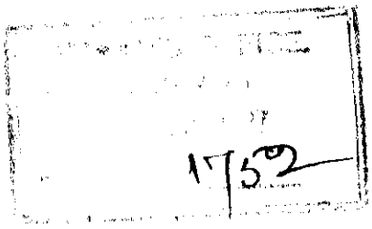
WD 0321—GPB—60,000—24-5-27

1338/27 P827 31

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]



735 Draft Summary of discussions at the meeting of the Judges of the Chief Court with the Dewan and members of Govt, held on 3rd Septr 27 Sided:

(1) Dewan Hirang Chief Secy 2 } 28/5/27

736 nil 5/9, 28/5/27

737 Nil 6-9-27 8/9 8-9

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

31

G.R.S. III—3]

1339 p827 32

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

8/ Draft summary of discussions at the meeting of the Progress of the Chief Commissioner and members of Govt held on 3rd September 1927 filed.

CHIEF SECRETARY, 5 SEP. 1927

I members through Chief Secretary

1945 6/9

76 We 6/9.

yes.

V.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

CHIEF SECRETARY, 6 SEP. 1927

33

1239

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

As personally instructed
I ascertained from
the Chief Judge, that
a, the Summons Court
would be located at
Shimoga & a temporary
Sub Court at Shimoga

Please put this
Office in the proceedings
& draw portion a
draft for issue
by the Chief Court.

8/9

A. attended to.
Issued like a draft. After issue
return with a letter enclosing papers
received

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

8/9

34

Submitted to His Highness.

I beg to report that the Judges of the Chief Court were invited to meet me and the Members of Council on the 3rd September 1927, in order to exchange views regarding certain questions relating to the Judicial Department. A summary of the tentative conclusions reached as a result of the discussions is herewith submitted for His Highness's gracious information.

Matters requiring His Highness's orders are being separately submitted.

Mirza M Ismail

Bangalore.
11th September 1927.

33

1563/27

35

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Summary of discussions on Judicial matters at the meeting of the Dewan and the Members of Council with the Judges of the Chief Court.

157

79

Order.

~~KRHP~~

14/9/27

81

34

1329 36

App. F. III—2]

General and Revenue Secretariat. No. File No. 229 of 1926.

Serial No.

82 The Chief Secretary has ordered that a draft go. may be put up. As regard to the location of the Sub Camp at Shimoga, it may be stated that the Camp may be located there for such time as is considered necessary to clear off the arrears & then may be transferred to Bangalore

9/9

Put up with draft.

9/9

Put up with amended draft as directed

12/9 14/9

83 Put up with a typed draft for consideration

14/9 Ch: Secy 14/9

14 SEP 1927 CHIEF SECY'S OFFICE

84 Please await for the issue of orders on certain points in the C.S. then bringup

14/9

Please write to the Secretary to Government for Sub Court Shimoga

9/9

NOTE—Contn. sheet

WD 0824—GRB—60,000—24-5-27

35

App. F. III—2]

General and Revenue Secretariat

File No. 27 of 1926.

Serial No.

ss 101 As instructed in pesar, two drafts are subd (1) regarding the working of criminal Courts & (2) regarding the location of the new Civil Courts.

ss 102 Drafts regarding (1) the enhancement of process fees & the revision of the scale of pay of the Process Staff & (2) the reorganisation of the ministerial establt of Civil Courts with be put up in the respective files.

ADC 2079

FR Subd with two drafts

Genl Secy
Ch. Secy

28/9/27

First draft to
Chief Secy

ss PR 22/9

WM

104 ss Dewan. Submd.

22/9

Dewan Sahib

Secy
23/9

Dewan)

28/9/27

105 JMD
23-9-27
106 Issued & forwarded with 60 files

8/10/27

WANS OFFICE
Received on
23. SEP. 1927
No. 9011.

CHIEF SECRETARY.
22 SEP. 1927

2503/23/9

NOTE—Contn. sheet

WD 0324—GPE—60,000—24-5-27

General and Revenue Secretariat.

File No. 227 of 1926-27

Serial No.	
91	fo no P 1630-44 dy 24-9-27 [illegible] Passes orders re the improvements in the working of the criminal courts Do Mr Regr. Chief court, Comptroller, Secys to govt and Dt mgts gdns
92	fr no P 1645-54 dy 24-9-27 Passes orders re the creation of the additional civil courts. Do Mr Regr. Chief court, Comptroller, Dy comrs gdns
193	Resolved with reference to para 10 of the

25-74/25/9

24/9/27

I member)

24/9

608/93 Ker/25/9

27.9.

27.9

37

From Mr Regr Chief court. Letter no Nor 4233/18-10-27 states that the Chief Judge has not noticed Depdr and that he will do so during his next inspection in December Dt and the question of the transfer of Mr Regr's court from Tuticorin to Ootacamund will be decided

3377/28/10

Rec'd 23/11/27.

NOTE.—Contin. sheet

96 Ker/24/10

Immediately.

And for perusal

WD 0824—GPB—60,000—24-5-27

2 pp

Regr (J.D)

1 enclosure

96 36/10

Court

To 3988/15 227-26-1

Encl

The Registrar,

Chief Court, Bangalore.

9/7/27

(A)

Sir,

It is seen from the report of the Laws' Delays' Committee that, while some Special Magistrates have heavy work, many have hardly any, or, at any rate, very light work. The Committee has refrained from expressing any opinion as to the causes which have led to, or offering suggestions for the removal of the unequal distribution of work, as the matter was outside its purview.

Sd by T.S. Nagaraja

As Chairman of the Committee, Mr.C.S. Dorasami Iyer has had opportunities of studying the question from the standpoint of Civil Justice and may be in a peculiarly advantageous position to suggest measures for improving matters. I am directed, therefore, to address you to obtain the approval of the Chief Judge and request Mr. C.S. Dorasamy Iyer to kindly go into the question ~~and propose remedies~~ & to forward proposals agreed to by them for Judges removing the existing defects.

In this connection, I am to enclose for consideration a rough draft Scheme of Munsiff-Magistrates and Sub-Judge Magistrates, which not only provides sufficient work for the officers, but also gives a Munsiff-Magistrate to every two Taluks and sometimes single Taluks and a Sub-Judge to each District, besides effecting a savings of about Rs.25,000/- per annum

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to Government. There is also the advantage of having a single cadre instead of two and avoiding the vexed question of sometimes drafting Magistrates to the Civil Judicial line and trying to fix their places. The points against the scheme, such as, dual control, possible hampering of civil work and the vacation question, etc, will of course go to influence any decision that may eventually be arrived at.

I am to request that the Government may be favoured with Mr. C.S. Doraswamy Iyer's views very early.

I have etc.,

Secy.to Govt.L.D.Depts.

Telgm:
"JUSTICE"

Confidential.

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore....19th March....***192*** 7

R. O. C. No. 923/26-27.

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. Nagapua, Esq., Bar-at-law.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Law Department.
BANGALORE.

Sir,

I am directed to acknowledge the receipt of your letter No. P. 3988/Cts. 227-26-1 dated the 7th February 1927, requesting that Mr. Justice C. S. Doraswami Iyer may go into the question of the combination of Magisterial and Civil functions and forward proposals agreed to by the Judges in the matter and to state that Mr. Justice Doraswami Iyer will take up the question and deal with it during the ensuing summer vacation, and a final reply in the matter will be sent to Government in due course.

I have the honour to be,
Sir,
Your most obedient servant.

For Registrar.

KVN/-

4311/926 CS 4144

Confidential.

Telgm: "JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore....19th March....*192*

R. O. C. No. 956/26-27.

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

N. Madhava Rao, Esq., B.A., B.L.,
Chief Secretary to the Government of His Highnes
the Maharaja of Mysore, BANGALORE.

Sir,

I am directed to acknowledge the receipt of your D. O. letter No. 2329/C.B. dated the 7th February 1927, addressed to the Chief Judge, regarding the combination of the cadres of the Civil and Magisterial officers and to state that the question will be considered along with the one regarding the combination of the Civil and Magisterial functions which has been set for being considered by Mr. Justice C. S. Doraswami Iyer during the ensuing summer vacation and a final reply will be sent to Government in due course.

I have the honour to be,
Sir,
Your most obedient servant.

KVN/-

For Registrar.

22/3/27.

[PP. F. VI. Gl.]

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P 6262

General and Revenue Secretariat

( )

the *192*

To

Mr Regr. Chief Court

Date of issue 16/9/27

Signed by.....

Sir

~~I am directed to write~~

with reference to this office letter no. P 3588/ES-227-26-1 dt 7.2.27 re the question of the combination of magisterial and civil functions, I am directed to request you to kindly forward proposals agreed to by the judges of the Chief Court in the matter. If there is no objection, a copy of the report of Mr. Justice Ekambaranni may kindly be forwarded for the information of Govt.

and Bryan letter no ROC 9387/1927

ISSUE & REQUISITE

List of enclosures.....

Copied by.....

Examined by .....

Advance Copy

43

I N D E X

TO THE SPECIAL REPORT OF MR. JUSTICE DORAISWAMI IYER IN CONNECTION WITH THE ADMINISTRATION OF CRIMINAL JUSTICE.

* * * * * *

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* * * * * * * *

R.O.C No 956 / 26-27 (Encl. one Book) 4

Bangalore,

Dated 28th July 1927.

To

N. Madhava Rao, Esq., B.A., B.L.,
Chief Secretary to the
Government of Mysore,
BANGALORE.

Through

The Chief Court of Mysore,
BANGALORE.

SIR,

With reference to the several communications from Government received from time to time and the connected correspondence noted in the margin*, I have the honour to submit this my report on the special work entrusted to me, and to state that, as far as practicable, I have endeavoured to deal with all the main and incidental questions requiring the consideration of Government.

(1). P. 3988/Ch 227-26-1 dated 7.2.27.
(2) Do. No 2329/Ch. dt 16.2.27.
(3) P. 6262/Ch dt 1.6.27
(4) P. 3700/Ch dt 27.1.27
(5) P. 4345/Ch dt 24.2.27

I. PRELIMINARY.

QUESTIONNAIRE.

2. To enable me to have some definite scheme and plan of action, and for fear that any relevant matter bearing upon the main questions might otherwise be lost sight of, I formulated in the form of a

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Questionnaire all the points for consideration, and had typed copies of the same distributed beforehand among the District Magistrates and through them to the subordinate Magistrates, taluk and police officers, merchants, Law Associations, members of the Representative Assembly, District and Taluk Boards, etc. A copy of the Questionnaire is appended hereto, and from the variety of topics which it embraces, I have no doubt that an idea can be formed of the nature, extent, and scope of my enquiry.

TOURS.

3. I arranged to have this special work, which necessarily involved touring in all the districts of the State, done during the Summer Vacation in order that it may not interfere with my work as a Judge. The Summer Vacation of the Chief Court commenced on the 4th of April and terminated on the 4th of June. I started on my tour of enquiry on the 5th of April and finished it at Bangalore on the 24th of May. I append hereto a brief resume of the places I visited and the work done there.

SCOPE OF ENQUIRY.

4. As may be seen from these appendices, the enquiry related not only to

the points specified in the Questionnaire, but other matters which, though in a sense were not strictly within the purview of the special work regarding the administration of criminal Justice in the subordinate courts, which was entrusted to me, were intimately connected with the proposals of the Laws' Delays' Committee in regard to the location of some of the Munsiffs' Courts and the re-distribution of their territorial jurisdiction -- matters in respect of which several representations were received subsequent to the passing of the Government Order on the 7th April 1927, and referred for consideration.

POINTS FOR CONSIDERATION.

5. It will be convenient to divide the points for consideration under certain main heads :--

(i) The working of the present scheme in regard to the separation of Judicial and executive functions, its advantages and defects.

(ii) Suggestions for the removal of defects and improvement of the Scheme :

By (a) the establishment of additional stipendiary courts,

(b) the adoption of a system of itinerant Magistracy, wherever practicable,

(c) the combination of civil and magisterial functions in the same officer, (Munsiff-Magistrates),

(d) empowering ex-officio Amildar and Sub Divisional Magistrates, in particular centres, to exercise limited magisterial functions,

(e) payment of batta to witnesses,

and (f) the removal of the control of District Magistrates over the subordinate Magistracy and transferring the same to Sessions Judges, or Assistant Sessions Judges.

(iii) The working of the courts of honorary Bench Magistrates at present, their merits and demerits, and suggestions for their improvement or abolition.

(iv) Combining in a single cadre both the civil judicial and criminal judicial service.

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(v) Proposed location of Munsiffs' Courts and a reconsideration of the distribution of territorial jurisdiction among them.

The last point has been dealt with by me in a separate report. The remaining points are considered seriatem below.

II. SEPARATION SCHEME.

INTRODUCTION OF THE SCHEME.

6. The object with which the separation scheme was evolved was to secure a better and more expeditious administration of criminal Justice, by means of a separate machinery for the trial of all criminal offences, altogether independent of the police organisation and unburdened with any other work; in other words to create an agency devoted solely to the exercise of magisterial functions without being distracted by other work of any kind. The scheme in its present form was first introduced on 1st January 1919 in two typical districts, Bangalore district representing the Maidan, and Shimoga district the Malnad. Next year two other districts were chosen, Mysore and Kadur, where the scheme was introduced on 1st January 1920. Kolar was the next district to receive it on 1st November

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1923; Hassan followed on 1st September 1924; Tumkur came next on 1st October 1924 and lastly Chitaldrug on 1st October 1925; so that the scheme has been working throughout the State from the 1st October 1925.

GENISIS OF THE SCHEME.

7. For several years preceding the introduction of the present scheme, there were two Courts in the State presided over by First Class Magistrates wholly and exclusively occupied in the trial of criminal offences, and they were the two City Magistrates' Courts, one at Bangalore and the other at Mysore. Later on a Special First Class Magistrate's Court was established for the Kolar Gold Fields area. For some years this Special Magistrate was also exercising the powers of a Munsiff within his territorial jurisdiction. In the year 1906 the question of the separation of judicial functions was pressed at the Representative Assembly Session, and as a first step towards it, Government proposed a scheme for divesting Amildars in certain selected areas of their magisterial functions, inviting the opinion of the Chief Court regarding such a proposal. Government in para 5 of their letter No.J.3154 dated the 15th April 1907 observed thus :--

" It has been suggested that an arrangement by which Amildars should

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be confined to revenue, police and other duties of an executive character, and all criminal judicial work transferred to Assistant Commissioners or Munsiffs would be a very desirable reform in public interests, and one that might be adopted, if and when the finances of the State permitted. As a first step it is proposed that in all places where Munsiffs have light work or otherwise can conveniently attend to magisterial work also, the Amildars may be relieved of judicial work, without any increase in cost, and that the magisterial work of the Amildars at the district headquarters may be entrusted to the Treasury or other Assistant Commissioners with advantage".

Though the Judges of the Chief Court felt the difficulty that few Munsiffs would find the time required for criminal work without much distraction to the civil work, they were agreeable to an experiment being tried at Kolar, Maddagiri, Hole Narsipur, Sagar and Hassan. The Munsiff of Kolar Gold Fields (after a separate Munsiff's Court was established there) was already exercising second class powers. Government thereupon directed that the Amildars of

Bangalore, Mysore, Kolar, Hassan, Hole Narsipur, Sagar and Maddagiri taluks should be relieved of their magisterial duties and that these should be assigned to the respective City Magistrates and in the other places to the Munsiffs. (Vide Proceedings No.J.1187-1227 dated 13th October 1907). It was found that in actual experience this experiment did not work well. The District Magistrates complained that the criminal work fell greatly into arrears, and the District Judges, of the accumulation of pending civil cases, with the result that the Chief Court strongly recommended that the old order of things should be restored; and that was done.

As a further step in the direction of separation, Courts of Benches of Magistrates were in the year 1909 established in the Cities of Bangalore and Mysore and were gradually extended later on to a few other places. But it was not till the present separation scheme was introduced into the several districts between 1909 and 1925, that the Courts of Benches of Magistrates were established in all the taluk and sub-taluk headquarters, on the wide and organised scale in which we now find them.

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Nevertheless, the general question of total separation was all the same being brought up for discussion year after year in the Representative Assembly, and sometimes also in the Legislative Council. After much deliberation, Government acting in consultation with the Chief Court, hit upon the present scheme as best suited to Mysore, and it was accordingly introduced by successive stages as indicated above into all the districts of the State.

RELATIVE STRENGTH OF COURTS BEFORE AND AFTER THE SCHEME.

8. Before the introduction of this separation scheme, the agency employed for the trial of criminal cases and appeals, besides the Chief Court and the Courts of the Sessions and Assistant Sessions Judges, consisted of,

(1) eight District Magistrates who were also Deputy Commissioners of districts;

(2) three full time First Class Magistrates for the Cities of Bangalore, Mysore and Kolar Gold Fields;

(3) twenty one other First Class Magistrates who were also Assistant Commissioners in charge of revenue Sub Divisions or Treasuries;

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(4) fifty five Second Class Magistrates, of whom three were Assistant Commissioners, three Munsiffs, and forty-nine Amildars;

(5) thirty Third Class Magistrates, of whom two were Probationary Assistant Commissioners, eighteen Amildars and ten Deputy Amildars.

After the separation scheme, there has been no change in regard to classes (1) and (2), but in the place of the 106 courts of second and third class Magistrates, comprised in (3), (4) and (5), eight full-time courts of First Class Magistrates, one for each district, eighteen courts of Second Class Magistrates and eighty courts of Benches of Magistrates (most of them with limited third class powers), -- that is to say, 106 courts in all, were instituted. On the representation made at the Birthday Session of the Representative Assembly in the year 1925, to the effect that Bench Courts in places where there are also Special Magistrates' Courts, with light files, might be abolished, Government after consulting the Chief Court and the

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Vide G.O.No.P. 4582-92/Cts. dated 24-3-1926.

District Magistrates, abolished the Bench Courts in the following twelve places :--

Hassan District	:	Hole Narsipur and Saklespur.
Kolar District	:	Chikballapur.
Kadur District	:	Tarikere.
Mysore District	:	Mandya, French Rocks and Hunsur.
Tumkur District	:	Maddagiri and Tiptur.
Shimoga District	:	Sagar and Tirthahalli.

So that, there are now sixty eight Bench Courts spread over the whole State.

LOCATION OF SPECIAL MAGISTRATES' COURTS.

9. The eight First Class Magistrates' Courts were located, one at each district headquarters, and the eighteen Second Class Magistrates' Courts were distributed among the eight districts as follows :--

Bangalore	.. ..	2
Shimoga	.. ..	2
Hassan	.. ..	2
Chitaldrug	.. ..	2
Kolar	.. ..	2
Kadur	.. ..	1
Mysore	.. ..	4
Tumkur	.. ..	3

The City Magistrate's Court at Bangalore and Mysore and the Special Magistrate's

Court at Kolar Gold Fields continued to remain where they were. So that, besides the Bench Courts there are now 29 Special Magistrates' Courts exercising first, second and third class powers in all the criminal cases arising within the State.

CLASSIFICATION OF COURTS AND FURTHER DEVELOPMENT.

10. The division of courts into Special First Class Magistrates' Courts and Special Second Class Magistrates' Courts originally made, was not quite scientific as almost all the first class courts were exercising second and third class powers, also over cases arising within certain limited areas (Tumkur is the only exception I think), while Magistrates of courts originally designated as Second Class Magistrates' Courts were, in addition to the exercise of third class powers, empowered also to try first class cases within defined areas. The designation of these courts was therefore changed. They were grouped into three separate grades, styled respectively,

1. Courts of the Special First Grade Magistrates (eight in number),

2. Courts of the Special Second Grade Magistrates (nine in number),

and3. Courts of the Special Third Grade Magistrates (twelve in number),

the classification being based not upon the powers which they exercised, but upon their salaries. Thus, for example, all the powers, first, second and third class, are exercised not only by First Grade Magistrates, but also by some Second Grade Magistrates, such as those at Nanjangud and French Rocks, while some other Second Grade Magistrates and all Third Grade Magistrates are exercising second and third class powers, except those assigned over to the Courts of Benches of Magistrates.

In the course of three or four years thereafter, an unexpected state of things came to light. Some of the courts had not adequate work for a full time Magistrate and the work in other courts was found to be unequally distributed. Some attempt at rectification was made in the Mysore district by means of re-adjustment of powers and of territorial redistribution among the courts in that district, and the necessity for devising suitable measures in order to provide sufficient work for all the criminal courts in the State was brought to the notice of Government.

From the commencement it was feared that owing to the reduction in the number

of criminal courts, parties and witnesses would be put to much inconvenience and trouble by being obliged to travel long distances, but it was thought that a certain amount of inconvenience was inevitable to the separation scheme itself, and that much of the hardship could be obviated by the establishment of Bench Courts at all the taluk headquarter stations.

GENERAL OUTLINE OF THE SCHEME.

11. The above is a brief retrospect of the separation scheme. Its chief merit is that the courts constituted under it are entirely criminal courts, and are not in any way distracted by other branches of work. The scheme is not, however, an ideal out and out Separation Scheme; nor was it the intention of Government at that stage to make it as such. For example,

(1) The Deputy Commissioner is still the District Magistrate of the district, exercising administrative control and superintendence over the subordinate criminal courts. He is the appellate court for appeals against convictions in second and third class cases and of orders requiring security for good behaviour. He still retains jurisdiction in regard to the trial of criminal offences as District Magistrate, though in practice

he is rarely found to exercise such jurisdiction. He also exercises powers of commitment, revision and reference under the Code.

(2) Assistant Commissioners in charge of Sub Divisions and Treasuries, though divested of the powers of holding enquiries and trials continue to be ex-officio Magistrates, and are entrusted with such duties as are under the Code of Criminal Procedure more or less of an executive rather than of a judicial character, and with the powers for the prevention of offences to be exercised as prescribed by the Code on occasions of emergency. For instance, powers under,

Chapter VIII, relating to security for keeping peace and for good behaviour;

Chapter IX, unlawful assemblies;

Chapter X, public nuisances;

Chapter XI, urgent cases of nuisances or apprehended danger. Section 144;

Chapter XII, disputes as to immoveable property likely to cause a breach of the peace. Section 145.

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(3) Amildars are ex-officio Magistrates of second and third class and in several places continue to try cases under the Breach of Contract Act.

12. In my enquiry I invited a free discussion of the advantages and disadvantages of the present Scheme, and of suggestions for the removal of the defects and for the general improvement of the Scheme, as a whole.

MERITS OF THE SCHEME. On the whole, opinion is in favour of the Scheme. The main object which the framers of it had in view has been achieved. Cases are now disposed of much more expeditiously than before. Magistrates being full time officers, are not interrupted or hampered by other kind of work. Parties and witnesses are now making fewer journeys to courts on account of the fewer adjournments. Except for the control vested in the Deputy Commissioners who are also the heads of the district police organization, all the courts entrusted with the duty of holding enquiries and trials of criminal offences are independent of the police. The District Magistrate of Bangalore is further of opinion that they are now having as Magistrates a better class of men than the old Amildars. The Separation Scheme is thus an improvement

on the old system with this reservation that so far as the Bench Courts are concerned, it is a distinct deterioration from the pre-separation scheme, -- an opinion that is almost unanimous.

DEFECTS OF THE SCHEME. 13. The disadvantages of the Scheme, brought out in my enquiry, may be categorically mentioned :--

(1) Consequent on the reduction in the number of courts, there are only one First Class Magistrate's Court for each district located at the district headquarters, (except in the districts of Bangalore, Mysore and Kolar), and two Second Class Magistrates' Courts for each district (except Mysore and Tumkur) situated at the district headquarters and at selected taluk headquarter stations, each Second Class Court being made to serve a group of three or four taluks. Parties and witnesses are therefore obliged to travel longer distances now than before, except in the petty cases within the cognizance of the Bench Courts, resulting in greater inconvenience, hardship and expense. In this view there is no difference of opinion anywhere.

(2) Reports of crimes are stated to have become less, non-compoundable cases

are being compounded, and the file of criminal cases in most of the places has gone down perceptably.

(3) From the view point of the police officers, it has added to their difficulties in successfully detecting, investigating and prosecuting police cases as well as in the prevention of crimes on account of the frequent attendance of police officers in courts outside their taluks. It was brought to my notice that there were some cases in which it so happened that all the responsible police officers were obliged to be absent at the same time from their station and that there was not a single responsible police officer left to receive reports of crimes and take prompt action. In those cases it was not possible to visit scene of crime immediately on receipt of report of occurrence, nor was it easy to bestow uninterrupted attention on the investigation and detection of the crime.

(4) Many of the Special Magistrates' Courts have not got sufficient work to occupy the attention of a full time officer.

(5) General want of confidence in the Bench Courts has tended materially

to influence parties in over-estimating the value of the properties lost, or exaggerating the crimes as more heinous than they really were, so as to oust the jurisdiction of the Bench Courts.

(6) The control over the subordinate magistracy and the ordinary powers of enquiry, trial, appeal and revision, vested in the Deputy Commissioners have contributed to the present scheme not having effected a complete separation of the executive from the judicial functions. The subordinate Magistracy cannot be under such circumstances as independent of the executive as they would have been, had the control been vested in the Sessions Judges or Assistant Sessions Judges as the case may be.

(7) By investing First Class Magistrates with second and third class powers, persons convicted in second and third class cases have lost the right of appeal to District Magistrates which they formerly possessed, except, of course, where appealable sentences are given. In petty cases the sentences awarded are ordinarily limited to small fines and are therefore non-appealable. Even where appealable sentences are given, the appeals

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from the decisions of First Class Magistrates in second and third class cases lie under the Code to the Court of the Sessions Judge. There being only one Sessions Judge for each division, a convicted person living in some remote corner, e.g. of the Kolar or Tumkur district, will have to go to Bangalore to get his appeal filed and heard in the Chief Court at Bangalore. Similarly, a person living in a far off village in the Chitaldrug or Kadur district will have to go to the Sessions Court at Shimoga, involving unnecessarily heavy expenditure by way of travelling expense and counsel's fees at Bangalore or Shimoga as the case may be. The same may be said of persons residing in the Hassan district who have to go all the way to the Mysore Sessions Court.

REMEDIES SUGGESTED.

14. Several remedies were suggested for the removal of the abovementioned defects, ranging between the extreme proposal to abolish the separation scheme altogether and revert to the old state of things that prevailed during the pre-separation days -- a proposal which emanated chiefly from the people residing in taluks and villages far off from the

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stations where the Special Courts are now located, -- and the proposal at the other end to make the scheme an ideal one by an out and out separation both in theory and practice, from the District Magistrate to the lowest third class Magistrate -- a proposal which originated only from some of the legal practitioners in the Cities and district headquarters. Practising lawyers and some residing in Cities and district headquarters were, as a rule, opposed to the former proposal, while police officers and non-official gentlemen particularly in rural areas were not in favour of the latter proposal. Between these two views, several ameliorative measures were suggested and these are:--

(1) The establishment of additional stipendiary courts, something corresponding to the system of Stationary Magistrates in the Madras Presidency, one for each taluk or for a group of two taluks wherever necessary.

(2) Without increasing the existing number of courts, to adopt a system of itineration whereby relief may be given to the taluks where at present no courts are located.

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(3) Combination of civil and magisterial functions in the same officer and to have a Subordinate Judge-First Class Magistrate for each district, and a Munsiff-Second Class Magistrate for a group of two or more taluks, doing away with the Bench Courts in those places.

(4) Paying batta to witnesses attending criminal courts.

(5) Without completely going back upon the separation scheme, a partial re-investment of Amildars and Sub Divisional Officers with limited magisterial powers wherever it would tend to facilitate disposal of such cases.

REVERSION TO PRE-SEPARATION SYSTEM.

15. Persons in favour of reversion to the pre-separation system base their opinion on the defects of the present separation scheme noticed above, and particularly on their want of confidence in the Bench Courts. Their argument briefly is that if the Bench Courts are to be abolished as they ought to be, then there must be other courts in their

places, the Special Magistrates' Courts now established being far away from most of the hoblis and villages in taluks other than those where those courts are now situated. A stipendiary Magistrate's Court in each taluk or one for two taluks will be the best substitute. If for financial or other reasons that is not possible, then they suggest that a Munsiff-Magistrate may be appointed with jurisdiction, civil and criminal, over two taluks. If that course too is not possible, or if by an effective system of circuit courts, justice cannot be brought home to them, they would rather prefer to go back on the separation scheme, and revert to the days of the Amildar-Magistrates than to submit to the jurisdiction of the Bench Courts.

I shall therefore deal with the subject of Bench Magistrates and Bench Courts now before passing on to the other questions raised.

III. BENCH COURTS.

CONSTITUTION AND POWERS OF BENCH COURTS.

16. As already stated, the system of honorary Bench Magistrates was introduced into the State for the first time in 1909 in the Cities of Bangalore and Mysore as a tentative measure with limited jurisdiction over a certain class of cases. It was then very opportune for the establishment of these courts as there were then some civil judicial officers and Magistrates, who had just retired from service, available in both the Cities for such honorary work. After some years' trial, similar courts were established at other district headquarters and gradually extended to some selected mofussil places. As part of the separation scheme, more Bench Courts were thrown open in the interior rural parts.

General speaking, the Bench Courts in the mofussil take cognizance of offences under the Indian Penal Code Sections 160, 323, 352, 358, 379 and 380 (where the value of the property lost does not exceed fifty Rupees) and offences under the special and local laws, such as the Police Regulation, Cattle Trespass Act, Municipal Regulation, Village Sanitation rules, Infant Marriage Regulation, Juvenile

Smoking Regulation, Compulsory Education Regulation, etc. They have also been empowered to take cognizance of the offences under Section 190 of the Code of Criminal Procedure.

OBJECTIONS TO BENCH COURTS.

17. Those that are in favour of the continuance of the Scheme are in a very small minority. Indeed, they can be counted upon one's fingers' ends. The bulk of the people are against its retention, and among those that share this view, there are Deputy Commissioners, revenue officers Bench Magistrates, police officers and generally the non-official public. The reasons given by the large majority that are unfavourable to this system may be summarised thus :--

(1) That in most places competent men with a fair working knowledge of Law and Procedure, simple as it is, are not available.

(2) That among the people selected there are men with local attachments and bias, rendering them incapable of taking a detached view of the cases that come up before them for trial.

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(3) That their attendance is neither regular nor punctual. Sometimes it is difficult even to get a quorum. This is said to be due to the fact that their other occupations demand precedence over the honorary work entrusted to them. Cases are therefore unnecessarily prolonged. Adjournments are numerous.

(4) Not being subject to any disciplinary jurisdiction, it is not easy to enforce regular attendance or to take proper work from them.

(5) Being men of the place, they freely mix with the people among whom in several mofussil places there are factions. Consequently, the cases that come up before them judicially get talked about beforehand and they sit on the Bench with a pre-judged mind based on extra-judicial facts gathered outside the Court.

(6) That some of the Magistrates exhibit a spirit of partisanship in favour of the party with whom their sympathies lie, with the result that parties are often times obliged to compound the cases by persuasion if not by coercion.

(7) That there are among them many Magistrates who have not got the moral courage either to punish the roudy or factious accused placed before them, or to give adequate sentence in proportion to the crimes of which they may be convicted, for fear that they or their relations would be molested or brought into trouble.

(8) In several places legal practitioners decline to accept engagements in Bench Courts, and in the view of some of the Magistrates even police officers have an aversion to appear before them -- police officers, of course, repudiate this-- The general result is that in several places police cases have gone down perceptibly. There is also a marked decline in the number of private complaints, and transfer applications are on the increase.

(9) That owing to want of confidence in Bench Courts, people that can afford to go to the distant Special Magistrates' Courts lodge their complaints there, exaggerating the occurrences in such a manner as to

give them the appearance of falling under higher classes of offences, so as to oust the jurisdiction of the Bench Courts, and those that cannot afford to go to Special Magistrates' Courts prefer not to make reports of crimes.

OPINION FOR AND AGAINST BENCH COURTS.

18. The gentlemen in favour of the retention of Bench Courts -- and they are mostly Bench Magistrates -- admit that some of the defects pointed above do exist, but they think that the fault lies in the selection of Magistrates and in the lack of adequate supervision and control. Incidentally it is also suggested by them that the Bench Courts should be equipped with a better Library and a separate staff, the Chairmen of the mofussil courts being also given conveyance allowances.

Among the advocates of the system, the views of Mr. B. Krishna Singh, a retired Amildar and Chairman of the Bench Court at Chikmagalur, may be taken as typical. In his opinion " the system is working fairly satisfactorily, competent men are available, there have been no serious complaints against the working

of it, and although it may be true that all the men selected may not be quite competent, the field is wide enough to select other persons who in course of time would prove themselves quite eligible for the kind of work they are called upon to do". In his opinion "it is not advantageous to have the Bench Courts abolished as the system has educative value in preparing the people gradually for self-Government. It also leads them to prepare themselves for the administration of criminal Justice by the people for the people. In headquarter towns like Chikmagalur, it is not very difficult to get fairly qualified men as Chairmen who will be in a position to educate their colleagues so as to enable them in course of time to acquaint themselves with the simple procedure and law applicable to the kind of cases that they are called upon to deal with".

Mr. Vasudeva Rao of Chikmagalur, Vice-President and Bench Magistrate, may be taken as the type among the exponents of the opposite view. His view is that judged by the experience the people have had these six or seven years,

it cannot be said that the personnel is generally qualified to dispense adequate Justice even in the comparatively small number of cases that they have got to decide. And being men of the locality, they are obliged, though unwillingly, to sympathise with the people with whom they have been all the time well acquainted when those people come before them as complainants or accused. The experiment that has till now been made cannot, in his opinion, be said to be altogether a success, not because there are not men willing to serve or that they cannot, without an effort, make themselves acquainted in course of time with the simple procedure required, but that at present it is difficult to get fairly qualified men who in addition to their other occupations in life would find the necessary time and the proper equipment for the satisfactory discharge of this kind of honorary work.

In other places where I conducted the enquiry, opinions similar to the above have been expressed with such additions and variations applicable to the particular locality to which the opinion was directed. Taking another district, e.g. Kolar, Mr. Vema Reddy of

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Malur stated that though he was one of the Representative Assembly members who strongly fought for the scheme of Bench Magistrates, he is obliged to change his opinion regarding the efficacy of these courts by the experience he has gained, of their working during all these years. He thinks that the State is not yet ripe to work the scheme satisfactorily in places other than the Cities and district headquarters where alone competent men are now available. In the taluks and sub-taluks it is not easy to find eligible men sufficiently large in number to make the court really useful to the people. It may be that there are about three or four persons capable of doing the work, but as the session of each court is fixed for a period of three months, it is hardly likely that they can within such a short period do much work. And as regards the other persons, there have been loud complaints from the people about the injustice done by the Magistrates owing to lack of knowledge of the rules and Regulations, their intimate association with the people of the place against whom accusations are brought, the dealings which they carry on in the locality and

their want of a due sense of responsibility, and in several cases of impartiality. Cases have fallen considerably owing to want of confidence in the Benches and reports of crimes have become less. He thinks that it is high time that the Benches at taluk headquarters should be abolished and stipendiary Magistrates appointed for each taluk or a group of two taluks. If that is not possible, he would strongly urge the advisability of itinerant courts.

Mr. Venkataswami Chetty, a Bench Magistrate at Chikballapur, who is in favour of the scheme, states that the defects pointed out above could be removed by a better selection of men and better supervision and control, which would surely reduce the state of inefficiency in which the courts are now found to be.

The Deputy Commissioner of Kolar, Mr. Syed Taj Peeran, an officer of wide experience both in the Malnad and Maidan districts, is in favour of the retention of the Bench Courts only at district headquarters, and that if in course of time people become more educated and qualified to administer justice properly,

then the system might be extended not only to taluks, but also to hoblis and villages. He thinks that the Village Panchayets themselves may be constituted as Bench Courts in course of time; but until such time, the Bench Courts in the taluks and sub-taluks must go as the loud criticism which the public at large make regarding failure of Justice in those courts is well founded. This opinion is shared in generally by the other Deputy Commissioners and district officers.

CONCLUSIONS REGARDING BENCH COURTS.

19. It is needless for me to refer in detail to the views of other persons, which more or less coincide with what has been stated above. Reference is invited to the several Appendices attached to this report. Without in the least minimising the educative value of the system of honorary Magistrates and the training which it gives to the people owing to their participation in the administration of criminal Justice, I am inclined to think that in the present state of mass education it is by no means easy to get men in large numbers with sufficient sense of responsibility and education to discharge efficiently and satisfactorily the duties of Magistrates in the taluks and sub-taluks.

As regards the Cities and district headquarter stations, all are agreed that the courts may be continued, and I am also of the same opinion. I may add that the generality of those that favour the retention of the scheme are agreed that if stipendiary courts could be increased and thrown out into the rural parts more largely than now, the Bench Courts may be abolished.

As regards the proposed association of Special Magistrates or Amildars as ex-officio Chairmen of the Bench Courts, there are divergent views. On the whole it may be accepted that it is not possible to make Special Magistrates ex-officio Chairmen, because except at district headquarters, where there is no necessity for such a course, there are practically no Bench Courts in the places where the Special courts are located. Consequently, the association of Special Magistrates with Bench Magistrates in places other than those where their courts are situated, is not possible, nor desirable, as without serious impediment and detriment to their own work, they cannot afford to go out to other stations, to preside over Bench Courts twice or thrice a week.

The case of Amildars seems equally to be out of question. They are touring officers and the work of the Bench Courts will have necessarily to be held up during the absence of Amildars on other duty resulting in tardy disposals as before. Further, it will be going back upon the separation scheme -- a step to which most of the gentlemen present at the enquiry are unwilling to give their consent.

IV. ADDITIONAL SPECIAL COURTS.

STIPENDIARY MAGISTRATES' COURTS.

20. In the view I have taken as regards Bench Courts, the next question calling for consideration is the suggested establishment of additional stipendiary Magistrates' Courts. I may state at the outset that those that advocate it are not unaware that it will involve some extra outlay, and that except in the City Magistrates' Courts at Bangalore and Mysore and some of the First Class Magistrates' Courts, the work in most of the other courts cannot at present be said to be quite adequate. As regards the extra expense involved, it is represented that the question of finding funds is a matter that must be left to Government, and that on that ground the

people ought not to omit bringing to notice the difficulties and inconveniences they are now labouring under, and the possible remedies which in their view would tend towards their removal. In particular, the people of Malnad urge that the additional cost is worthwhile incurring for the sake of giving them better facilities, as otherwise it would be practically denying them justice, it being impossible for them during the monsoon months to move to the places where the Courts are now held. To minimise the cost, it is suggested that preferably a scheme may be adopted akin to that of the Stationary Sub-Magistrates in the Madras Presidency, and that if adequate criminal work could not be found for them, there may be a combination of the civil and criminal functions in the same officer. In other words, Munsiff-Magistrates may be appointed one for a group of two taluks.

In the opinion of some of the police officers and of persons residing in the mofussil, the present separation scheme, though in theory is far better than the old system of Amildar-Magistrates for each taluk, is not so in practice, the advantages intended to be secured by the

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ideal of the separation scheme not being commensurate with the practical difficulties they are actually subjected to, and that on the whole, it would be a beneficial measure to go back to the old system without thinking of devising ways and means for the improvement of the defects inherent in the present scheme. This aspect need not be seriously considered. After repeated representations in the Representative Assembly and in the Legislative Council, and after much deliberation the scheme was evolved. After giving the experiment a fair trial in some selected districts, it was extended gradually to the other districts in the State. It has been in operation for nearly eight years. The principle underlying the scheme is undeniably good, and is acceptable to a large majority of people. The officers entrusted with the administration of it are satisfied that it is better than the previous system, and that it is not desirable to go back altogether on it." With this view I am in perfect agreement and therefore the suggestion to revert to the old system may at once be dismissed.

MUNSIFF-MAGISTRATES.

21. Before dealing further with the question of establishment of additional stipendiary Magistrates' Courts it may perhaps be well to consider the scheme of combined Munsiff-Magistrates. The opinion as regards the merits of this scheme is almost unanimous, and is against it. In six out of eight districts (Bangalore, Mysore, Tumkur, Chitaldrug, Kadur and Hassan) the opinion is decidedly against combination. In Shimoga the District Magistrate is unable to see any objection in principle to the combination, but whether in practice it would work well or not he has no decided opinion. Before however giving it a trial, he thinks that the system of recruitment should be changed and the policy of dual control should give way to a single effective control. Opinion among the members of the Bar is divided, the majority, however, being against combination. In Kolar most of the lawyers are averse to it, except Messrs. Gopal Rao and Nageswara Iyer who are in favour of it. The Vice-President of the Municipality is of the opinion that the general public are not in favour of it. The District Magistrate and the other officers of the district are also against combination.

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22. It is true that several decades back before a separate and exclusive organisation was formed for the administration of civil Justice, several functions, revenue, civil, criminal, police and miscellaneous, were combined in the same officer. That system might have been due to paucity of educated and qualified officers, or inadequacy of work if the functions were separated and assigned to separate officers, or to the fact that the several departments were not then properly organised so as to enable Government to entrust each branch of work to a separate set of organisation. Gradually there was disruption in the combination; the civil branch of the work was divided off from the rest and made over to a separate department under a single control obviating service of two or more masters specially in the matter of appeals. At present in the Madras Presidency, so far as I am aware, there are only two places in which the functions of a Munsiff are combined with those of a Magistrate in the same person, and they are (1) the taluk of Kollegal in the Coimbatore district and (2) the small isolated patch of territory known as British Cochin. The smallness of the geographical area

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in both the places, affording in each case too small a territorial jurisdiction for a full time Munsiff, is, I think, the principal reason for the departure from the usual rule. Recently an experiment is being made in the Civil & Military Station of Bangalore. Here also the same reason holds good. Moreover, it is too soon to pronounce any opinion on this experiment, which I understand was tried once before and given up some thirty years back. I have no information as to how far the scheme is a success in Baroda or how it works in regard to the delay which I apprehend is bound to occur in the disposal of civil work owing partly to the constant interruption caused by criminal work and partly to the precedence which criminal work should, of necessity, be given. In the Mysore State itself the experiment was tried in the year 1907 in about half-a-dozen places and was later on given up owing to the complaint, on the one hand, of District Magistrates that criminal work fell greatly into arrears, and of the District Judges, on the other, of the arrears in the civil work.

23. Prior to the introduction of the separation scheme in its present

form the Chief Court also considered, in all its aspects, the question of combining civil and criminal work in one set of officers. Sir Leslie Miller, the then Chief Judge, has given all the reasons which dissuaded him from favouring the Scheme, in his letter to Sir M. Kantaraj Urs dated the 22nd October 1917, including also the difficulty regarding the annual vacation, with which, I may add, I am in entire agreement. As observed by Sir Leslie Miller,

> " So far as the officers (in whom the functions are combined are concerned, it may be met to a great extent by the privilege leave rules; but the result would be that while, as things are now, the civil court Judges can get an annual rest without expense to Government, they would, if they all wanted privilege leave every year, have to be replaced by other officers; and though it may be said that it is not likely that all would require leave every year, it will not be denied by those who have

tried it that the work of presiding in a civil court, especially a court of first instance, is of a kind to render an annual rest almost essential.

" Moreover, the closing of the civil courts gives a rest also to practitioners, and though probably the pleaders of Munsiffs' Courts have to a large extent to remain at work in the Magistrates' Courts during the vacation, I doubt if they would care for the abolition of the vacation altogether. It is the mofussil practitioners as much as any one else who, in Madras, have supported the suggestion to prolong the vacation of Munsiffs so as to equalise it with that of District Judges.

" It may also be said that our Special Magistrates and the Presidency Magistrates elsewhere, sit all the year round without a vacation and do work of the same kind more or less as is done in the civil courts. That is true. But our Special Magistrates are only three in number and the grant of

privilege leave to them does not involve much difficulty; moreover, they are not kept working on the same job for the greater part of their service as Munsiffs are".

24. It was also mentioned in one or two places where I held the enquiry, that if the District Judge could exercise the functions of a Sessions Judge, as he now does, and has been doing in the past, there ought to be no objection to the Munsiff exercising magisterial functions. My experience is that it is on account of sessions work, the civil work of the District Judge is greatly held up, and the arrears that we now find in the District Judges' Courts, particularly in the Bangalore Division where the sessions work is much heavier than in the other two Divisions, is to a large extent due to the interruption caused by the sessions work. Moreover, such a combination will, to some extent, clash with the principle of creating a "separate agency for the disposal of the mass of original criminal work" unhampered by duties of other kinds, underlying the separation scheme. If one of the objects in creating the separation scheme is to relieve the revenue

Magistrates of the olden days of magisterial work, in order to permit criminal courts to carry on the criminal work without being distracted by revenue work, that object is liable to be defeated in a greater measure by the civil work being allowed to step into the place of the revenue work.

25. The outlines of a Scheme for such a combination were set forth in para 407 of the Report of the Laws' Delays' Committee to the following effect:-- There are at present in the civil judicial line four Subordinate Judges (one temporary) and 23 Munsiffs. For the administration of criminal Justice, there are 8 Magistrates of the first grade, 9 of the second grade and 12 of the third grade. The number of taluks and sub-taluks is 76. By combining the functions, as suggested, 44 officers, (23 Munsiffs and 21 Second Class Magistrates) will be available for allocation among the 76 taluks, which roughly gives one Munsiff-Magistrate for every two taluks, and will leave 8 officers spare for being made available in the case of heavy and important taluks like Bangalore or Mysore.

Similarly, combining the cadre of Subordinate Judges and Special First Grade Magistrates there will be 12 officers (4 Subordinate Judges and 8 First Class Magistrates), one Subordinate Judge-Magistrate for each district and four officers spare for service in special areas, such as Bangalore and Mysore Cities and Kolar Gold Fields, etc. One Munsiff-Magistrate may be appointed for each group of two taluks, and in the case of important taluks like Bangalore and Mysore, where there will be sufficient civil and criminal work for more than one officer, separate officers to deal with civil and criminal cases may be appointed. Instead of having one Subordinate Judge as at present for each Division consisting of two or three districts, a Subordinate Judge's Court may be established in each district headquarter, with the combined functions of the Subordinate Judge on the civil side and of a First Class Magistrate on the magisterial side,. Munsiff-Magistrates may be invested either with first class powers or second class powers, having regard to the importance, accessibility, etc. of the

taluks within their jurisdiction. In all there will be 56 officers available for exercising such combined functions.

If the combined scheme is to be pursued, these 56 officers may be allocated in the following manner :--

2	City Magistrates, one at Bangalore and one at Mysore.
2	Small Cause Courts, one in Bangalore and one in Mysore (with the status of a Subordinate Judge).
1	Special 1st Class Magistrate at Kolar Gold Fields, with the status of a Subordinate Judge.
8	Subordinate Judge-Magistrates, one at each district headquarters (with the jurisdiction of a Subordinate Judge on the civil side and a First Class Magistrate on the criminal side).
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38	Munsiff-Magistrates (one for two taluks).
5	Officers in reserve to be distributed as whole-time Munsiffs or whole-time Magistrates in important places.
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T o t a l .. 43 plus 13 = 56.

26. Though the recurring cost of either scheme will not be in excess of that which is incurred at present, the

capital cost involved will be somewhat heavy. New buildings will have to be erected in taluks where according to this scheme new Munsiff-Magistrates' Courts will have to be established and the existing buildings enlarged so as to admit of the larger establishment of Munsiff-Magistrates' Courts being housed. The additional books and additional furniture will constitute another item of charge. The existing establishments of Magistrates' Courts will have to be strengthened to suit the requirements of a combined civil and criminal court. This last item will be a recurring charge. The capital expenditure for the erection and extension of buildings will be about 2½ to 3 lakhs. It is a matter for consideration whether it is worthwhile to incur all this additional expenditure for a scheme which is suggested mainly for the purpose of finding additional work for the Special Magistrates for whom there is not sufficient work at present.

SECRETARIAT SCHEME FOR AMALGAMATION OF CIVIL AND CRIMINAL FUNCTIONS.

27. In this connection, the Scheme suggested by the Law Secretariat (received with Local and Legislative

Secretary's letter No.P.3988/ch 227-66-1. dated..... ..7.2.67..) by which a saving of Rs.25,000/- per annum is expected to be made, may be examined, with a view to ascertain the practicability of its adoption from the financial and other standpoints. Such an examination may be conveniently made districtwar.

BANGALORE DISTRICT.

(a) At present there are 9 courts, civil and criminal (other than the District and Sessions Court) to deal with original civil and criminal work. One Subordinate Judge's Court, 4 Munsiffs' Courts, 1 City Magistrate, 1 Special First Grade Magistrate and 2 Special Second Grade Magistrates. In the place of these 9 courts, it is proposed to establish 1 Subordinate Judge's Court for civil work, 1 Subordinate Judge-Magistrate's Court for combined civil and criminal work, 1 City Magistrate's Court for criminal work, 2 Munsiffs for civil work, 2 Munsiff-Magistrates for combined civil and criminal work and 1 Special Magistrate for purely criminal work. It is not clear whether the last mentioned court, proposed to be located either at Closepet or at Chennapatna, is

to be a First Grade Court or a Second Grade Court. If the former, then there will not practically be any saving as in the place of the three officers of the Grade of Subordinate Judges or First Grade Magistrates, there will be according to the proposed revision 4 officers of the same grade. What may be gained by the reduction of a single Munsiff's Court will be more than lost by the addition of a court of higher grade.

There are certain defects in this proposed scheme.

Civil.

(1) There is no provision for civil cases within the jurisdiction of a Subordinate Judge (Rs.2,500 to Rs.10,000) in 7 taluks of the Bangalore district and Goribidnur taluk of the Kolar district which for the purpose of civil jurisdiction is to be tacked on to the Munsiff-Magistrate of Dodballapur. The proposed Subordinate Judge's Court at Bangalore will, according to this scheme, have jurisdiction over the civil cases of Bangalore taluk alone.

(2) There is no provision for a small cause Court.

Criminal.

(1) As the Munsiff-Magistrates are proposed to be invested with all classes of powers, 1st, 2nd and third, the City Magistrate to whom appellate jurisdiction in criminal cases is given, cannot have jurisdiction in the matter.

(2) There is unequal distribution of work. The Munsiff-Magistrate of Dodballapur has only one taluk for criminal work and two taluks for civil work, whereas the other has three taluks for both civil and criminal work.

KOLAR DISTRICT.

(a) In the place of 3 Munsiffs' Courts, 2 First Grade Magistrates' Courts, and 2 Second Grade Magistrates' Courts (altogether 7) now existing, it is proposed to have 1 Sub-Judge-Magistrate, 1 Special Magistrate, Kolar Gold Fields and 3 Munsiff-Magistrates.

(b) Defects:--

(1) In this district also there is no provision for the disposal

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of cases within the Subordinate Judge's jurisdiction in 9 out of 10 taluks.

(2) On the criminal side there is no provision made for appeals against convictions in second and third class cases (probably it is meant to give the District Magistrate the jurisdiction which he has under the Code). Even he cannot have jurisdiction as according to this scheme all classes of cases, first, second and third, are triable by both grades of Magistrates.

(3) The cases arising within the jurisdiction of the taluks of Chintamani, Sidlaghatta and Bagepalli are triable by the Subordinate-Judge-Magistrate at Kolar so far as the first class cases are concerned, and by the Munsiff-Magistrate at Chintaman: in respect of second and third class cases.

(4) In this district also the distribution of work both on the civil and criminal side will be somewhat unequal.

TUMKUR DISTRICT.

(a) In the place of the 3 Munsiffs' Courts, 1 Special First Grade Magistrate's Court and 3 Second Grade Magistrates' Courts (altogether 7) now existing, it is proposed to have 5 courts, one Subordinate Judge's Court purely for civil work, 1 Special First Class Magistrate's Court purely for criminal work and 3 Munsiff-Magistrates' Courts for combined civil and criminal work.

(b) Defects :

Civil: (1) No provision is made for the disposal of cases falling within the jurisdiction of the Subordinate Judge in 8 taluks.

(2) In 5 out of 10 taluks suits between Rs.100 and Rs.300 will be treated as small cause cases, whereas in the other 5 taluks they will be original suits.

Criminal:(1) For the first class cases arising in the taluks of Maddagiri, Pavagada and Sira one has to go to the Court at Tumkur and for the second and third class cases within the same area one has to go to Maddagiri.

(2) Similarly, for the first class cases of the taluks of Gubbi, Tiruvekere and Kunigal one has to go to Tumkur, and for the second and third class cases within the same area, to Gubbi.

(3) The Munsiff-Magistrate at Tiptur is invested with jurisdiction to try all classes of cases, first, second and third, arising within the taluks of Tiptur and Chiknaikanhalli, whereas of the other Munsiff-Magistrates, the one at Maddagiri has jurisdiction only in second class cases and the third at Gubbi over second and third class cases. It is not known what is to become of the third class cases in the three taluks over which the Maddagiri Magistrate has jurisdiction.

(4) Two Magistrates in the district exercise all classes of powers, the First Class Magistrate over all taluks and the Munsiff-Magistrate at Tiptur over two taluks. Under the Criminal Procedure Code neither the District Magistrate, nor the First Class Magistrate can hear

appeals against convictions in second and third class cases given by a First Class Magistrate and no provision is suggested for the hearing of such appeals.

MYSORE DISTRICT.

(a) In the place of 1 Subordinate Judge's Court, 5 Munsiffs' Courts and 6 Magistrates' Courts, at present existing, it is proposed to have 1 Subordinate Judge's Court purely for civil work, 2 Special Magistrates' Courts purely for criminal work and 7 Munsiff-Magistrates' Courts with combined civil and criminal jurisdiction.

(b) Defects :--

(1) In this district also there is no provision made for civil cases within the Subordinate Judge's jurisdiction in thirteen taluks.

(2) There is no provision also for the disposal of civil and criminal cases arising within the French Rocks Sub-taluk.

(3) The Special Magistrate at Mysore is given appellate jurisdiction. Under the Code such an arrangement is not possible when the Magistrates from whom the appeals

are preferred are themselves exercising first, second and third class powers.

(4) Both the Munsiff-Magistrate at Mandya and the Special Magistrate Mysore, have jurisdiction over first class cases arising in the taluks of Mandya and Malvalli. This is obviously an error.

HASSAN DISTRICT.

(a) In the place of 2 Munsiffs' Courts and 3 Magistrates' Courts (altogether 5) at present, it is proposed to have 1 Subordinate Judge's Court at Hassan (evidently a mistake for Subordinate Judge-Magistrate's Court) with small cause jurisdiction up to Rs.300 (it is not stated whether the jurisdiction extends to the whole of the district or any portion), and 3 Munsiff-Magistrates' Courts with combined civil and criminal powers.

(b) Defects :--

(1) No provision is made for the disposal of civil cases within the Subordinate Judge's jurisdiction in 6 taluks and Alur Sub-taluk.

(2) No provision is made for the civil cases and criminal (2nd and third class) arising in the taluk of Arkalgud.

(3) No solution is suggested to get over the difficulty of either the District Magistrate or the First Class Magistrate at Hassan hearing appeals against convictions in the second and third class cases from the Munsiff-Magistrates' Court at Saklespur as the last officer is invested with criminal jurisdiction over all classes of cases arising within his jurisdiction.

SHIMOGA DISTRICT.

(a) There are at present 1 Subordinate Judge's Court, 2 Munsiffs' Courts and 3 Special Magistrates' Courts (altogether 6) in the Shimoga district. In their place it is proposed to have 1 Subordinate Judge's Court purely for civil work, 1 Special First Grade Magistrate's Court (evidently a mistake for Subordinate Judge-Magistrate's Court) for combined civil and criminal work and 3 Munsiff-Magistrates with combined civil and criminal work.

(b) Defects :--

(1) As in other districts there is no provision for the cases within the Subordinate Judge's jurisdiction in 7 out of 9 taluks.

(2) Neither the District Magistrate, nor the First Class Magistrate can hear appeals from conviction in second and third class cases from the Munsiff-Magistrate of Sagar and no solution is suggested.

KADUR DISTRICT.

(a) There are at present 2 Munsiffs' Courts and 2 Magistrates' Courts in the Kadur district. In their place it is proposed to have 1 Sub-Judge-Magistrate's Court, (Subordinate Judge is evidently a mistake for Subordinate Judge-Magistrate) and 2 Munsiff-Magistrates' Courts.

(b) Defects.

(1) No provision for cases arising within the jurisdiction of a Subordinate Judge in 4 taluks, one Sub-taluk and the Sringeri Jaghir.

(2) No provision for appeals within the district against convictions in second and third class cases, presumably the accused must go to the Shimoga Sessions Court.

CHITALDRUG DISTRICT.

(a) At present there are 2 Munsiffs' Courts and 3 Magistrates' Courts (altogether 5

In their place it is proposed to have 1 Subordinate Judge-Magistrate (Subordinate Judge is evidently a mistake for Subordinate Judge-Magistrate) and 3 Munsiff-Magistrates with combined civil and criminal powers.

(b) Defects :

(1) There is no provision for cases within the jurisdiction of the Subordinate Judge arising in 8 out of 9 taluks.

(2) The distribution of work seems to be unequal.

(3) No provision for appeals in second and third class cases, presumably appeals should lie in the Sessions Court at Shimoga.

I have gone into this matter in such details to show that the system proposed is defective in several respects and the courts provided for, are quite inadequate. Consequently, either from the financial point of view or any other point of view, I am unable to say it is a workable scheme.

CONCLUSIONS REGARDING AMALGAMATION SCHEME.

28. For reasons given in the foregoing paragraphs, I am not in favour of the general

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scheme of combining in the same officer both the civil and criminal functions, applicable to the whole State. At the same time, I may remark that, should there be a combination of both the functions, the question of dual control need not much stand in the way. It is one of policy, and consistently with it, it ought to be easy to devise a remedy. I shall revert to this aspect again when I take up the question of the unification of civil judicial and criminal judicial cadres.

29. If then the general scheme of combining the civil and magisterial functions either in the form suggested by the Secretariat, or in the alternative form set out in paragraph 25 supra is not feasible, the next point calling for consideration is whether the combination in special cases may be adopted in any modified form. The answer to that is furnished by the Laws' Delays' Committee in paragraph 413 of their report :--

" In courts where there is not sufficient criminal work, presiding officers of such Courts, if recruited

from the Bar, may well be appointed to be additional Munsiffs for the trial of such cases or class of cases on the file of the Munsiffs' Courts concerned, as may be transferred to them by the District Judge acting in consultation with the District Magistrate, provided that both the Munsiffs and Magistrates Courts are situated in the same station. Proposals for such appointments should emanate from the Chief Court on the joint recommendation of the District Judge and the District Magistrate".

In my enquiry opinion was unanimous that the above recommendation may be acted upon. For instance, bond suits, suits on pro-notes, and generally suits of a small cause nature may, whenever necessary be so made over for trial when ready, the execution of decrees obtained in those suits being left to the Courts from which the cases are sent for trial. Such a course will obviate the necessity for an independent process establishment being attached to the trial courts. I may add that my view coincides with the above opinion.

STIPENDIARY MAGISTRATES' COURTS.

30. Lastly, there remains the question of establishing more stipendiary courts, and this was pressed on my attention by the rural and malnad population. The main objections to the scheme as proposed by them will be,

(1) that the cost will be heavy and that the present financial stringency may not permit of such cost being incurred now;

(2) that there is not sufficient work even as it is for many of the Special Magistrates and the multiplication of those courts will mean less work;

(3) that it will result in considerable reduction of the existing number of Bench Courts;

and(4) that the Stationary Magistrates' Scheme is not an unqualified success even in Madras where it has been in operation for some years past.

These objections could well be met by adopting a Scheme on the following lines. In the place of the 8 Special

First Grade Magistrates of the grade of Subordinate Judges (Rs.500-50/1-600), 9 Special Second Grade Magistrates on slightly better than the Munsiffs' Grades (Rs.250-25-450) and 12 Third Grade Magistrates in the grade of the Amildars (Rs.150-25/2-250), now in existence, we might appoint,

(1) Three Special Grade Magistrates in Subordinate Judge's Grade. (Rs.500--50/1--600)	1 City Magistrate, Bangalore 1 City Magistrate, Mysore 1 Special Magistrate, K.G.F.
(2) Twelve First Grade Magistrates in Munsiffs'Grade (Rs.200-25/1-450)	One for each district headquarters and four in reserve for heavy cour such as, Closepet, Chikballapur, Nanjangud and French Rocks.
a n d	
(3) Twenty four Second Grade Magistrates on (Rs.150--25/2--200)	Roughly three for each district.

Under such an arrangement,

a First Grade Magistrate will exercise the ordinary powers of a First Class Magistrate and such additional powers as he may be invested with from time to time under

the Code, together with power to hear appeals from convictions by Magistrates of second and third class.

A Second Grade Magistrate will exercise the ordinary powers of a Magistrate of the second and third class with such additional powers as he may be invested with from time to time under the Code.

If it is found necessary and practicable, but not otherwise, First Class Magistrates whose courts are located at Bangalore, Mysore and Shimoga may be given second and third class powers also, over a limited area, as the Sessions Courts are situated in the same stations, thus facilitating appeals against convictions by those Magistrates.

Savings arising from (1) the reduction of the five Special First Grade Magistrates, (2) from the scale of the proposed First Grade Magistrates being fixed at Rs.200-25-450, the grade of a Munsiff instead of Rs.250-25-450 as at present and (3) of the second grade at Rs.150-25/2-200 instead of Rs.150-25/2-250 as at present, and (4) the abolition of

many courts of Bench Magistrates will, I think, be sufficient to cover the cost of the proposed revision.

If the general selection of Magistrates is made from the Bar, as is done in the case of Munsiffs, the appointments of Subordinate Judges and Munsiffs can be made interchangeable with those of Magistrates, so that in course of time there will be a larger number of officers trained both in civil and criminal work available for promotion to the higher appointments in the Judicial Department. There will also be further facilities for combining both the civil and criminal services into a single cadre and placing the combined cadre under a single control as part of the judicial service of the State. Such a unification will have extended one step further the scheme of the separation of judicial and executive functions. I shall report separately as to the feasibility of such unification.

31. As regards the objection raised to the establishment of additional stipendiary courts on the ground of want of adequate work, it is enough to state that this cannot weigh much in view of

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the compensating advantages which the public will derive from such a measure, namely, reduction in the distances which parties and witnesses have to travel, fewer adjournments and fewer journeys, and a better distribution of courts in the interior ensuring a more efficient and satisfactory administration of criminal justice. It is also expected that with the increase of courts and the better facilities thereby afforded, the number of crime reports and complaints will increase. Furthermore, a large number of cases now cognizable by the Bench Courts will on their abolition be released and distributed among the stipendiary Magistrates, thereby giving additional work to them. Such of the Magistrates' Courts as are situated in the same station where there are Munsiffs' Courts may, if they find time, be given civil work subject to the safeguards prescribed in paragraphs 413 of the Laws' Delays' Committee Report.

32. If the recommendation in para 19., is adopted, most of the Bench Courts will of course disappear, but in the light of what I have said about them it will be seen that even those who are

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in favour of their retention have expressed a preference to stipendiary courts.

33. In regard to the Stationary Magistrates' Courts, in Madras, the principal objection as I understand is, that those Magistrates form part of the general establishment of the Collector and District Magistrate of the District appointed, controlled and liable to removal by him. The Magistrates depend upon the head of the district for advancement in service. Such an objection cannot exist here where the appointments will be either in the Government or in the Chief Court. In Madras there is no system corresponding to the separation scheme we have in Mysore. For these reasons, I do not think that the doubt cast or the objections raised to the Madras system need prevail here.

Here we do not require one Magistrate for each taluk as they have in Madras as the territorial extent of most of our taluks is much smaller than that of the generality of taluks

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in Madras. We have here bus service connecting the places where the Special Magistrates' Courts are or may be located with all the principal places in the districts. The distances that parties have to travel will be much less than now and in no case greater than that which parties have to travel within the same taluk where the Stationary Magistrates' Courts are situated in Madras. The bus service has practically annihilated the distance. With proper itineration, the facilities afforded by additional stipendiary Courts ought to satisfy all reasonable requirements.

V. CIRCUIT SYSTEM.

34. The next question for consideration is whether without increasing the existing number of courts we can adopt a system of itineration, whereby the taluks where there are no courts now may be better served. Opinion generally is that the circuit system will be an improvement on the existing arrangement.

TRIAL OF THE SYSTEM. It was on the repeated representation of the people of Malnad that they

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were put to great hardship in having to travel long distances to go to the criminal courts established under the separation scheme -- as for example, people of Thirthahalli had to go to Shimoga and of Koppa to Tarikere, --for the trial of second class cases, that the Government directed as a tentative measure, for a period of six months, that the Shimoga Second Class Magistrate may visit Tirthahalli once a fortnight for the trial of criminal cases arising in the Tirthahalli taluk. Vide Government Order No.P.3178-82/Cts. dated 20th December 1924. The District Magistrate was called upon to report how the arrangement worked during the trial period and on the receipt of his reply that it was working satisfactorily, Government ordered it to be continued until further orders. Vide Government Order No.P.162-4/Cts. dated 13th July 1925. This arrangement is still in operation.

Mr. Pheroze Shaw Poonegar, Special Second Class Magistrate at Shimoga informed me that after the circuit system was established and the consequent

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abolition of the Bench Court at Tirthahalli, a larger number of cases had been instituted in his court than before, that the system added to the facilities of the people of Tirthahalli, that he himself was not put to any inconvenience, nor did his other court work suffer by his periodical absence at Tirthahalli.

OBJECTIONS TO THE CIRCUIT SYSTEM.

35. In all the other districts I found there was a demand for a similar arrangement suited to the local requirements. It was, however, pointed out in the course of the discussion at some of the places that there were certain disadvantages incidental to this system, and they were :--

(1) That if on the days fixed for the hearing, at the place of itineration, the cases do not happen to be ready and have to be adjourned, the Magistrate will be left without any other work to do, whereas if the same thing happened at the headquarter station, there may be other cases which may be proceed with.

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(2) It will inconvenience legal practitioners and render more expensive for parties to take legal help to their taluks.

(3) It will involve extra expenditure to Government in addition to waste of time in the Magistrate and his establishment going to and fro.

(4) That during the absence of the Magistrate there will be none in his court at the headquarter station to receive complaints and consequently parties might be obliged to wait for some days together.

OBJECTIONS EXAMINED.

36. As against the first objection, it may be said that cases will generally be ready on the days set down for hearing in the place to which the Court goes, -- unless unforeseen causes occur --, because parties know that it is to suit their convenience that the Magistrates go there and unless their cases are ready, they will lose the advantage. Moreover, there will be 2 or 3 cases posted for a day and it is most unlikely that all of

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them will require to be adjourned. Mr. Poonegar told me that there was no occasion on which he had to remain at Tirthahalli without sufficient court work to engage his attention.

As regards the second objection, it will no doubt involve some additional expense to take legal practitioners to the places of trial. But in many cases the additional cost may not be more than the expense which the parties and their witnesses have to incur in going to the headquarter stations. The expenses thus saved may be sufficient to meet the additional cost for taking legal help to the place where the trial is held. To obviate hardship in particular cases, option may be given to parties to have their cases tried either at the headquarter station or in the place to which the Magistrate itinerates. In such an event, the parties will know in what cases it is worth their while to have their cases tried either at one or the other place.

As regards the third objection, it was ascertained in almost all the places which I visited, that the additional

expenditure will not appreciably be in excess of that which is now incurred on account of the police and the other Government witnesses attending the Magistrates' Courts at their headquarter stations. The establishment that the Magistrate will have to take with him will be a clerk and a peon. Much time will not be wasted in travelling as on account of the bus service it will not take more than a couple of hours at the most to go from one place to the other.

In regard to the last objection, it can easily be arranged that during the absence of the Magistrate on circuit the Munsiff or other Magistrates in the station may be given power to receive complaints and to keep them by until the return of the Magistrate to head-quarters. Except in very emergent cases, sworn statements may be left to be taken by the Magistrate himself on his return.

RECOMMENDATIONS.

37. In the circumstances I am of opinion that if more courts cannot be established at present, the system of itineration may be tried, to the extent

indicated below, which, in my enquiry I have ascertained would be an improvement on the present system.

TUMKUR DISTRICT.

(1) The First Class Magistrate at Tumkur to visit Maddagiri for about a week in a month to try the first class cases of Pavagada and Maddagiri taluks.

(2) The Second Class Magistrate at Maddagiri to go to Pavagada for a week or ten days in a month to dispose of the second and third class cases of Pavagada taluk.

(3) The Second Class Magistrate at Tiptur to go to Chiknaikanahalli to hear the second and third class cases of Chiknaikanahalli taluk for a week or ten days.

CHITALDRUG DISTRICT.

(1) The Second Grade Magistrate at Chitaldrug to go to Chellakere for a few days in a month to dispose of the second and third class cases of the taluks of Molakalmuru and Chellakere, subject to my recommendation hereinafter regarding the location of this Court at Chellakere.

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(2) The Second Grade Magistrate at Davangere to go to Hosadurga for a few days in a month to dispose of the second and third class cases arising in the Hosadurga taluk and in the hoblis of Holalkere to the south of Holalkere station.

SHIMOGA DISTRICT.

(1) The Special First Grade Magistrate at Shimoga to go to Sagar for a few days in a month to try the first class cases of that Division.

(2) Without interfering with the existing arrangements in regard to Tirthahalli, the Second Class Magistrate at Shimoga to go to Honnali for a few days in a month for the disposal of second and third class cases arising in Honnali taluk.

(3) The Second Class Magistrate at Sagar to go to Shiralkoppa for a few days in a month to dispose of the second and third class cases arising in the taluks of Sorab and Shikarpur.

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MYSORE DISTRICT.

(1) The Second Class Magistrate at Hunsur to go to Heggadadevankote, and

(2) The Magistrate at Nanjangud to Chamrajnagar,

for a few days in a month for the disposal of second and third class cases arising in the taluk of Heggadadevankote, in the former case, and in the taluks of Yelandur and Chamrajnagar in the latter case. The road between Hunsur and Heggadedavankote is reported to be not in good order and it is stated that there is no bus service between the two places. The course that is now proposed will obviate the inconvenience now complained of by the persons of that taluk. The itineration into Chamrajnagar will likewise obviate the inconvenience now complained of by the Yelandur and Chamrajnagar people.

HASSAN DISTRICT.

(1) The Second Class Magistrate at Haklespur to go to Belur for a few days in a month for the disposal of second and third class cases arising in the Belur taluk.

(2) The Magistrate at Hole-Narsipur to go to Chennarayapatna for a few days in a month for the disposal of second and third class cases arising in that taluk.

KOLAR DISTRICT.

(1) The Magistrate at Chikballapur to itinerate for a week or ten days in a month to Bagepalli to dispose of the second and third class cases arising within the Bagepalli taluk and Gudibanda Sub-taluk.

(2) The Second Class Magistrate at Kolar to itinerate to Chintamani or Srinivasapur as the case may be according to the number of cases for disposal in those taluks in any particular month, for the disposal of the second and third class cases of Chintamani and Srinivasapur taluks.

BANGALORE AND KADUR DISTRICTS.

In these two districts there is no necessity to introduce the system of itinerant courts.

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As regards the accommodation for holding the courts in places where they have, as proposed above, to itinerate, I am informed that necessary accommodation is or can be made available.

The Bench Courts in all places to which Special Courts are to itinerate may be abolished, and the savings effected thereby will go in a way to meet the additional expense involved in the proposed circuit system.

VI. REDISTRIBUTION OF WORK AMONG THE EXISTING CRIMINAL COURTS.

REDISTRIBUTION OF TERRITORIAL JURISDICTION.

38. In the course of my enquiry I invited suggestions as to whether the present territorial jurisdiction of the Special Magistrates' Courts can be usefully altered so as to distribute the work of the courts more evenly than now in case there will be no addition to the existing number of courts, and have received various suggestions which I shall deal with districtwar.

MYSORE DISTRICT.

(1) The Special First Grade Magistrate, Mysore suggests that he may be

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divested of jurisdiction over the first class cases arising in the Seringapatam taluk and be given instead similar jurisdiction over cases arising in the Mandya taluk. The reason assigned is that the second and third class cases of Seringapatam taluk are now tried by the Second Grade Magistrate at French Rocks and that first class cases are tried by him. This suggestion is made to secure uniformity. I am not in favour of this proposal as such a practice, now objected to, prevails in every district under the existing arrangements. It is better therefore that his jurisdiction is not in any way disturbed.

(2) The Second Grade Magistrate at French Rocks suggests that his court may be shifted to Mandya with jurisdiction over all classes of cases arising in the three taluks of Mandya, Malavalli and Nagamangala.

I am not in favour of this proposal either, as he takes no account of the cases from Krishnarajpet taluk and the second and third class cases of Seringapatam.

(3) The people of Mandya suggest that the Second Grade Magistrate of that

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place may be given jurisdiction over the first class cases also arising within the taluks of Mandya, Malavalli and Nagamangala.

This will mean an addition of about 50 to 55 cases per year to his Court; that is to say, the Court at French Rocks will have 30 cases less and the First Class Magistrate at Mysore about 25 cases less. It is not worthwhile to adopt this suggestion.

On the whole, I think the distribution of work at Mysore may remain as it is and no change in the territorial jurisdiction or a redistribution of work is called for, at any rate not till the question of additional courts is decided upon.

CHITALDRUG DISTRICT.

(1) The Second Grade Magistrate at Davangere has territorial jurisdiction over the taluks of Davangere, Harihar Sub-taluk, Holalkere and Hosadurga. The Second Grade Magistrate at Chitaldrug has jurisdiction over the second and third class cases arising in the taluks of

Molakalmuru, Challakere, Hiriyur and Jagalur.

It is suggested that Jagalur may be transferred to the jurisdiction of the Magistrate's Court at Davangere and Hosadurga to the Second Grade Magistrate's Court at Chitaldrug because (a) Jagalur is within the police jurisdiction of the Assistant Superintendent of Police, Davangere, and Hosadurga within the jurisdiction of the District Superintendent of Police, Chitaldrug. The proposed shifting of jurisdiction will obviate the necessity of the police of one Division to go to a Court situated in another Division; and (bJagalur is within the revenue Sub Division of Davangere.

I think that this suggestion is good and may be accepted.

(2) The Second Class Magistrate's Court at Chitaldrug has no jurisdiction at present over any class of cases arising within the Chitaldrug taluk. The Court was, however, located there instead of at Chellakere, which is more central, because there was no court house at the latter place. If accommodation is or can be made available now at Challekere,

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it is preferable to shift the Second Class Court at Chitaldrug to Chellakere. Otherwise, the itineration suggested may be adopted.

(3) If proposal No.(1) is accepted, there is no need for the Davangere Court to itinerate to Hosadurga.

(4) The Bench Court at Davangere may be abolished and the work now assigned to it may be given to the Special Magistrate at Davangere.

(5) Committal powers may be given to the Davangere Magistrate within his territorial jurisdiction.

The above arrangements are welcomed by the district officers, legal practitioners and the general public.

KOLAR DISTRICT.

The general opinion is that the courts are now located at convenient centres and that no change is required.

The Sub Division Officer, Mr. R. A. Narasimha Iyengar, suggested that,

(1) to the Court of the Special 1st Class Magistrate, Kolar Gold Fields the second and third class cases of Mulbagal taluk may be tacked on.

(2) the second and third class cases of Malur taluk may be tacked on to the First Class Magistrate at Kolar,

and (3) the Second Class Magistrate's Court at Kolar may be shifted to Chintamani or Srinivasapur with jurisdiction over the second and third class cases arising in those taluks.

Such a proposal will leave little work for the Second Class Magistrate's Court proposed to be shifted from Kolar as his jurisdiction will only be over two taluks, whereas at present with four taluks his work cannot be considered to be quite adequate. Mulbagal can more conveniently continue to be attached to Kolar than to Kolar Gold Fields. I am therefore of opinion that with the adoption of the itineration suggested, no change of territorial jurisdiction at present is called for.

SHIMOGA DISTRICT.

No change of territorial jurisdiction is desired. It is suggested that the First Class Magistrate at Shimoga may be invested with summary powers. This may be done.

TUMKUR AND HASSAN DISTRICTS.

No change in the existing territorial jurisdiction is required. The courts may continue where they are.

BANGALORE DISTRICT.

(1) At present Magadi people have to go to Closepet *via* Bangalore as the direct road between Magadi and Closepet is in bad repair. The Sub Division Officer at Closepet told me that road metal was ready stacked and work would be taken on hand and completed during rains this year. He expects that after the road is put in good repair, a bus service will be started between Magadi and Closepet, thereby rendering travel *via* Bangalore unnecessary.

(2) The City Magistrate, Bangalore, suggests that he may be invested with the power to transfer, under Section 192 of the Criminal Procedure Code, to the Bench Court cases cognizable by that Court within his territorial jurisdiction.

This may be done.

(3) The *Ex-officio* Sub Division Magistrate, Bangalore states that he does

not find sufficient time for the disposal of cases under Chapter XII. Consequently there is delay. He suggests that he may be relieved of jurisdiction over such cases -- a view which is shared in by the Deputy Commissioner also. The remedy suggested is that the City cases may be made over to the City Magistrate and the taluk cases to the Special Second Grade Magistrate, Bangalore.

This proposal may be accepted.

(4) The Special First Grade Magistrate, Bangalore, may bear some more work, as the statistics show. To give him more work, the first class cases of Bangalore taluk may be made over to him. (The City Magistrate's Courtwork is much congested and this will give him some relief in clearing off the arrears. This is also desirable from another aspect. The Prosecuting Inspector who is attached to the Special First Grade Magistrate's Court has to attend the City Magistrate's Court for conducting the prosecution of first class cases in the Bangalore taluk and it interferes with his work in the Special First Grade Magistrate's Court.

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(5) Another suggestion that is made is that the 6 taluks now coming within the jurisdiction of the Special First Grade Magistrate and the Special Second Grade Magistrate, Bangalore may be re-distributed in the following manner :-- One Magistrate exercising jurisdiction over all classes of cases for a group of three taluks, preferably the taluks of Bangalore, Anekal and Hoskote, and the other Magistrate exercising jurisdiction similarly over all classes of cases in the remaining three taluks of Devanhalli, Nelamangala and Dodballapur.

From the statistics available it is seen that the contribution by the three taluks of Devanhalli, Nelamangala and Dodballapur is about 125 cases per year, whereas the other three taluks of Bangalore, Anekal and Hoskote contribute about 310. This will therefore result in an unequal distribution of work, and therefore the proposal may be dropped for the present.

KADUR DISTRICT.

Before the separation scheme there were two first Class Magistrates in this district, one at Chikmagalur

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with jurisdiction over the taluks of Mudigere, Chikmagalur and sometimes Kadur, and the other at Tarikere with jurisdiction over Tarikere, Narasimharajapura, Koppa and Sringeri and sometimes Kadur taluks. Now there is only one First Class Magistrate for the whole district, exercising first class powers over the whole area and second class jurisdiction over Mudigere and Chikmagalur taluks. The Special Magistrate at Tarikere exercises second class powers over the taluks of Tarikere, Narasimharajapura, Koppa, Sringeri and Kadur.

It is suggested by the Bar at Chikmagalur that the Special Magistrate's Court at Tarikere may be abolished and its criminal jurisdiction may be divided between the Munsiff at Chikmagalur and the Munsiff at Narasimharajapura, Kadur taluk being assigned to the former and Tarikere, Narasimharajapura, Koppa and Sringeri to the latter. This will virtually be constituting the two Munsiff-Magistrates for the Kadur district stationed at Chikmagalur and Narasimharajapura

The general public suggest that a Subordinate Judge's Court may be established at Chikmgagalur, and if that is

not possible, as several years ago the experiment was tried and given up, the First Class Magistrate at Chikmagalur may be invested with appellate powers to hear civil appeals from the Munsiffs in the district.

The Tarikere people are quite opposed to the abolition of the Magistrate's Court at Tarikere, but on the other hand want that the recommendations of the Laws' Delays' Committee to shift the Munsiff's Court from Narasimharajapura to Tarikere and to distribute the criminal work between the Munsiffs of Chikmagalur and Tarikere or otherwise, may be given effect to. The people at Narasimharajapura, on the other hand, are opposed to the transferance of the Court from Narasimharajapura to Tarikere. They suggest that the Munsiff at Narasimharajapura be invested with criminal powers with jurisdiction over the taluks of Koppa, Narasimharajapura and Sringeri, the Tarikere Magistrate being allowed to continue with jurisdiction over the criminal cases arising in the taluks of Tarikere and Kadur. It is further represented by the Narasimharajapura people

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that if the Munsiff at Narasimharajapura cannot be made also a Magistrate, the Special Magistrate's Court at Tarikere may be shifted to Narasimharajapura, the jurisdiction over Kadur taluk being made over to the Chikmagalur Court, if the people of Kadur should find it inconvenient to go to Narasimharajapura, as in all likelihood they may. They consider that in the present circumstance and the peculiar conditions of the Malnad country, the combination of civil and magisterial functions in the same officer, though generally not good, may be adopted in the case of the Narasimharajapura Court as it is far more desirable that Government should put themselves to some additional expense in order to give additional facilities to the people of Malnad taluks, particularly when travelling becomes almost impossible during monsoon rains. Koppa and Sringeri people are also of the same view.

The number of criminal cases contributed by Sringeri, Koppa and Narasimharajapura do not exceed, according to the figures given by the District Magistrate, about 30 cases on the average per year. This will not materially reduce the work of the Tarikere

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Magistrate. Even if it should slightly increase, I think it is worthwhile acceding to the wishes of the Narasimharajapura people, and to make up for any deficiency in the work of the Tarikere Magistrate the cases under the Breach of Contract Act now tried by the Amildar of Tarikere taluk, may be made to lie to the Special Magistrate's Court at Tarikere. The Amildar States that at present much of his time is taken up in the trial of these cases, and that it would be a great relief if these cases are assigned to the Special Magistrate. The figures given below would seem to justify his proposal.

Year.	No. of cases.
1922--23 ..	585
1923--24 ..	285
1924--25 ..	345
1925--26 ..	339
1926--27 till 19-4-27	380

So that on the average it might be put down that there will be about 350 cases under the Breach of Contract Act.

Such an arrangement will involve the continuance of the Munsiff's Court at Narasimharajapura, instead of its being transferred to Tarikere as recom-

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mended in the report of the Laws' Delays' Committee. This matter is dealt with separately in another communication which I am sending to Government.

39. In some of the districts it was represented that under the existing arrangements, there being only one First Class Magistrate for each district, there are no facilities for the trial of first class cases, where the first class Magistrate is disabled from trying any particular case on personal or other grounds, unless the District Magistrate takes up the case himself for trial. As District Magistrates seldom find the time for the trial of original cases, it has been suggested that Ex-Officio Sub Division Magistrates should be empowered to try such cases whenever a necessity arises. I see no objection to the adoption of this proposal under the existing conditions.

VII. BATTA TO WITNESSES.

PUBLIC OPINION.

40. As already stated, it was repeatedly brought to my notice that at present some true cases are not reported or prosecuted owing to the inconveniences parties and witnesses are put to in

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travelling long distances to the Court House. I invited discussion as to whether payment of batta to witnesses would improve matters. The answer in the majority of districts was that it would not to any appreciable extent. It was however recommended that the present rules on the subject may be worked more liberally than now. In Bangalore and Kadur districts opinion was divided, some persons were in favour and some against. In Mysore and Kolar it was suggested that in police cases the complainant and witnesses might be paid their expenses.

41. The question of payment of expenses to witnesses is an old one. The rule in force at present is an old one and is printed on page 79 of Volume I, Criminal Digest. It runs as follows :--

> " Attendance of complainants and witnesses at the criminal courts being a public duty, payment should be made only to such as are poor, or to those who have been put to considerable expense in attending the courts. And as a general rule, not more than four

annas will be allowed to each witness for every day's attendance at the Court or for every day's journey of ten miles to and from the Court, a fraction of ten miles exceeding two miles being reckoned as ten miles, so that a journey of three miles would be reckoned as one day's journey and a journey of thirteen miles as two days' journey". (Vide Judicial Commissioner's Circular No.1685-96 dated 17th November 1889).

The question has since been frequently brought up by the members of the Representative Assembly and in 1920 the matter was fully gone into by the Chief Court, both in regard to the classes of cases in which payment should be made and the scale of rates. The Chief Court recommended (Vide Registrar's letter R.O.C. No.689 dated 17th March 1920) that complainants and witnesses who attended criminal courts should be paid expenses incurred by them provided they came from beyond a radius of three miles,

(1) in cases in which the prosecution is instituted or carried on by or under the orders or with the sanction of Government, or by

any Judge, Magistrate or other public officer, or when it shall appear to the Judge or Magistrate presiding over such courts to be directly in furtherance of the interests of public Justice;'

(2) in non-bailable cases;

and (3) in all cases in which the witnesses are compelled to attend by a Magistrate under Section 540 of the Code of Criminal Procedure.

The scale of rates recommended for adoption was that fixed in Government Order No.J.3002-12/Cts. dated 28th March 1908.

But effect was not given to the recommendation owing to financial stringency. Vide letter from the Chief Secretary, No.G.25695/Cts. dated 10-5-1920.

The question was again taken up by Government in 1922 and further reference was made to the Chief Court.

The Chief Court in their reply (Vide Registrar's letter D_1. Dis.27 dated 29th August 1922) stated that the scale of rates might be revised by abolishing

the fourth class and grouping witnesses into three classes as in civil cases, and suggested that in the absence of any definite data, a uniform rate of eight annas per head might be given until a more accurate calculation could be made by actual experience in one or two years. In their Order No.294-303/Cts. dated 14-7-1923, Government postponed the further consideration of the question for a period of two years.

From the statistics obtained from the districts and sent to Government in a consolidated form with the Registrar's letter No.D_1Dis.124 dated the 7th January 1927, it will be seen that the average number of witnesses who attend criminal courts in the classes of cases recommended by the Chief Court is about <u>fifty thousand</u> per annum. It was therein observed that the expense of witnesses might be roughly taken as Rupee one per head, as even an approximate estimate of expenditure was not possible as it depended on many uncertain factors, such as distance from the Court-House from the witnesses' places of residence and the number of days they are detained.

42. I am not in favour of payment of batta and travelling allowances to witnesses in all criminal cases, as was urged by some persons at Chikmagalur. The rules at present provide for payment of batta to witnesses who are either poor or have been put to considerable expense in attending the courts. If this rule is liberally worked, it appears to me to be sufficient for the present. It looked as if people would appreciate better if the amount that would have to be spent in the payment of batta and travelling allowances, could be utilised for the establishment of additional courts, so that justice might be brought nearer their homes, and greater security afforded to them. Having regard to the present economic condition, the scale of rates allowed to witnesses, under the existing rule may fairly be fixed at Rupee one, as recommended by the Chief Court.

VIII. DEPUTY COMMISSIONERS' CONTROL.

43. As a logical extension of the Scheme of separation of judicial from executive functions, it was suggested by some of the members of the Bar, that

the Deputy Commissioner should be divested altogether of his control over the subordinate magistracy. On the other hand, the district officers, the police and the large section of the general public and some of the legal practitioners also are of opinion that the Deputy Commissioner should continue to be the District Magistrate, and exercise all the functions given to him by the Code of Criminal Procedure.

Before the present separation scheme took a definite shape, in the year 1918 the question of the administrative control over the Special Magistrates proposed to be appointed came up for consideration, and it was then thought that as the scheme was going to be tried as an experiment only in two districts, the Special Magistrates might be placed under the District Magistrate, and that after the scheme was fully given effect to, the question of placing them directly under the Chief Court might be considered. Now that the scheme has been extended to the whole State and has been in force for some years, the question has again been brought up.

OBJECTIONS TO DEPUTY COMMISSIONERS' CONTROL.

44. The principal objection to the Deputy Commissioner being also the District Magistrate is that being the head of the police in his district, he controls the investigation of crimes, and is in close touch with the police diaries and confidential reports that are received by him. It is feared that he could not on this account approach the trial of criminal cases with an open unbiased mind. It is also urged that being burdened with various kinds of other branches of work, it is hardly possible for him to find the requisite time for doing the duties of a District Magistrate or to effectively superintend and control the work of the subordinate criminal courts. Furthermore, it is pointed out that the control vested in the executive head of the district over the Magistrates appointed and working under a scheme by which the separation of the judicial from the executive functions is aimed as the objective, is illogical. For these reasons and also for the purpose of inspiring confidence in the mind of the accused that he is being tried by a tribunal absolutely free from the control of the executive, it is suggested that the administrative control and supervision should vest in the Sessions Judge and that

the functions of the District Magistrate under the Code might vest in him or in the Subordinate Judge, designated for such purposes as additional District Magistrates subject to the final control of the Chief Court.

Before going into details, it is as well to know precisely what powers the District Magistrate is now exercising. They may be divided into two classes :--

I. Judicial
and II. Administrative.

Judicial portion consists of two parts :--

1. Purely judicial, as for example,

(1) exercising the functions of a Tribunal for the trial of accused persons. (Ordinary powers of a District Magistrate, Schedule iii (V).

(2) power to hear appeals (a) from convictions of Magistrates of the second and third class, and (b) from orders requiring security.

(3) powers of revision, Sections 435, 436 and 437, and references Section 438.

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(4) powers of appeal or revision of orders passed under Sections 514 and 515.

(5) distribution of work among the subordinate Magistrates in his district by making over to or withdrawing cases from them (Section 528).

2. Judicial powers of an executive character, as for example,

(1) powers for the preventi of offences, (Sections r ing to security for peace and good behaviour).

(2) powers regarding the remove of public nuissances (Chapter X), and Section 144 of the Code of Criminal Procedure.

II. ADMINISTRATIVE PORTION.

(1) To scrutinise the Calendars of all subordinate Magistrates, submit all the Calendars of First Class Magistrates to Sessions Judges with a note as to what action has been taken, and to report to the Chief Court any irregularity or illegality which in his opinion calls for orders.

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(2) To invest first, second and third class Magistrates in his district with certain additional powers which he is empowered to invest them with, or to recommend to Government in cases where he cannot do so. For example, power to hear appeals, exercise of summary powers, etc. (Under Sections 37 and 38 of the Criminal Procedure Code).

(3) To revise the territorial jurisdiction of courts in his district subject to the final orders of Government.

(4) Control of Bench Courts and selection of Bench Magistrates.

(5) Inspection of subordinate Magistrates' Courts and superintendence.

OPINIONS REGARDING CONTROL.

45. In the districts of Tumkur, Chitaldrug, Kadur and Bangalore (with the exception of Mr. G. Paramasiviah), all are agreed that at present the removal of control, judicial and administrative, from the District Magistrates is not desirable, until such time as satisfactory arrangements are made to replace

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them by an officer in each district. In Shimoga and Kolar the members of the Bar are totally in favour of the removal. Among the non-officials at Kolar, opinion was divided. (The Vice-President is in favour of the retention, while Mr. Sarma, a merchant and Municipal Councillor, is in favour of the removal). In Mysore, opinion even among the members of the Bar is divided. Some are in favour of total removal (for example, Mr. A. Krishna Rao), some in favour of the retention of the administrative control, but removal of the judicial control (for example, Mr. S. Krishnaswami Rao), and others are against any change in the present system. (For example, Mr. M. Srinivasiengar, Public Prosecutor). The non-official gentlemen assembled are also against the change, (for example, Messrs. H. Rangaswami and D. Benumiah). Mr. C. Narayanaswami Naidu, Special Magistrate, Mysore, struck a middle course and suggested that so far as the ex-officio Magistrates are concerned, the Deputy Commissioners may continue to exercise control, but in regard to Special and Bench Magistrates, the control

may be vested in the Special First Grade Magistrate at District Headquarters who will himself be subordinate to the Sessions Judge. The First Grade Magistrate will, in such a case, be an additional District Magistrate for the district. In Hassan the members of the Bar are in favour of the removal of the purely judicial functions and have no objection to the retention of the administrative control and all the powers under the preventive sections of the Code in the Deputy Commissioner. Or, in the alternative, some of the members of the Bar would accept Mr. C. Narayanaswami Naidu's suggestion with this modification that all the Special Magistrates may be placed under the administrative control of either the District Judge or the Subordinate Judge.

The Deputy Commissioners and the District Superintendents of Police are not in favour of the removal on public grounds. They state further that the District Magistrates do not as a rule try any cases themselves, that the powers under the preventive sections are exercised by the ex-officio Magistrates, and that in some districts even

the appeals are referred for disposal to such of the Special First Grade Magistrates as are invested with appellate powers. So that, the Deputy Commissioners are now practically exercising only powers of revision and reference.

In regard to the powers of revision, it may be noted that they have concurrent jurisdiction with Sessions Judges and the Chief Court. In the case of revisions and appeals, the apprehensions expressed cannot stand on the same footing as in original trials. As regards the Sessions Judges, there are only three of them in the State with headquarters at Bangalore, Mysore and Shimoga, while there are eight Districts; and it will not be possible for them to exercise adequate supervision and to have practical touch with the working of the subordinate criminal courts located in different stations, unless they tour round often as Deputy Commissioners now do in all parts of the Districts concerned. Such tours cannot be undertaken by Sessions Judges without serious detriment to their civil work as District Judges, not to speak of the criminal work as Sessions Judges. Similar remarks apply also to Subordinate Judges.

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In such circumstances, though the proposed transferance of control over the subordinate magistracy from the Deputy Commissioners is sound in principle, yet in view of the practical difficulties inherent in the existing system of the judicial administration as pointed out above, it will not be practicable to divest them of such control, unless separate additional officers are appointed as District Magistrates in the place of the present Deputy Commissioners.

46. In conclusion, I would express my obligations to the Deputy Commissioners and other Government officers, members of the Bar, Municipal Councillors and Bench Magistrates and the general public, for their ready and prompt response and co-operation in the conduct of my enquiry, and for the great assistance they rendered in placing before me all material facts bearing on the working of the Separation Scheme and suggestions for their improvement.

I have the honor to be,

S i r,

Your most obedient servant,

J U D G E.

CHIEF COURT.

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QUESTIONNAIRE.

1. When was the separation scheme introduced in your district, and how has it worked since its introduction?

2. How does it compare with the system that prevailed prior to 1918?

3. Had parties in criminal cases greater facilities under the previous system than under the separation scheme, for the hearing and disposal of their cases?

4. Are criminal cases disposed of more expeditiously after the introduction of the separation scheme than previously?

5. What are the facilities you have at present in your district by way of railways, roads, bus service, etc. to and from places where Special Magistrates' Courts are located ?

6. What was the number of institutions of criminal cases in your district before and after the introduction of the separation scheme ?

7. Has there been an increase or a decrease in the number of criminal cases filed, and if so, to what is it due ?

8. Are you satisfied with the present territorial jurisdiction of the Special Magistrates in your district? If not, what alterations will you suggest ?

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9. Are you satisfied with the present location of Special Magistrates' Courts in your district, and are they at convenient centres ? If not, what alteration would you suggest ?

10. Has the present territorial jurisdiction or the location of the Court anything to do with the fall or increase in the number of institutions?

11. Have the Special Magistrates' Courts in your district got sufficient work at present ?

12. One of the reasons given for a fall in the number of institutions is that Special Magistrates' Courts are situated at inconvenient and distant centres from places within the interior of the Courts' territorial jurisdiction. Do you agree with this reason ?

13. Are witnesses and parties more reluctant to attend Special Magistrates' Courts now than they were formerly when the separation scheme was not introduced in your district ?

14. Is it a fact that at present many true cases are not reported or prosecuted owing to the inconvenience parties and witnesses are put to in travelling long distances to the Court House?

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Will payment of batta to witnesses in criminal cases improve matters ?

What will be the probable additional expenditure if batta is to be paid ?

15. Has the fall in the institutions, if any, anything to do with the general prosperity or peacefulness of the inhabitants ?

16. What do you think of the system of itinerant Magistrates ? Will this remedy the inconvenience at present felt on account of the distance parties and witnesses have to travel for the trial of their cases ?

17. Will the system of itinerant Courts inconvenience legal practitioners or render it more difficult for parties to get their help ?

18. What will be the extra cost if a system of itinerant Magistrates is introduced in your district ?

19. What is your opinion about combining civil and magisterial functions in the same officer ?

20. Will the combination of civil and magisterial functions interfere with the civil work and vice versa ?

21. Without a complete combination of civil and magisterial functions, what is your opinion about posting Law Graduates to magisterial courts where at present there is not sufficient work for a whole time Magistrate, and give him some civil work to make up the deficiency ?

22. What do you consider of the suggestion to invest ex-officio Amildars and Sub Divisional Magistrates with powers to try cases to a limited extent at particular centres where there is not enough work for a whole time Special Magistrate, with a reduction in the number of Special Magistrates' Courts ?

23. Have you any other suggestions to make for the purpose of giving sufficient work to each Magistrate, and at the same time minimise the inconvenience felt on account of distance, etc. ?

24. Are you in favour of the removal of control of District Magistrates over the subordinate Magistracy and transferring the same to Sessions Judges ?

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BENCH COURTS :--

25. How many Bench Courts are there in your distirct ? What powers do they exercise and what classes of cases do they try ?

26. Are competent men available in your district or taluk for being appointed as Honorary Magistrates ?

27. Have the Bench Courts in your district sufficient work ? If not, what measures will you suggest to provide them with sufficient work ?

28. Are you in favour of associating a stipendiary Magistrate wherever possible as Chairman of the Honorary Bench of Magistrates ?

29. Are you satisfied with the existing number of stipendiary and Bench Magistrates' Courts in your district, or do you suggest any alteration ?

30. Are you in favour of abolishing any of the existing Bench Magistrates' Courts in your district and of distributing their work to stipendiary Magistrates' Courts with a view to provide sufficient work for the latter.

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31. Conversely, are you in favour of increasing the number of existing Bench Magistrates' Courts with corresponding reduction in the number of stipendiary Magistrates ?

32. Are you satisfied with the working of the Bench Courts and if not what improvements would you suggest ?

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PROGRAMME OF THE TOUR OF ENQUIRY BY

MR. JUSTICE C. S. DORASWAMI IYER.

* * * *

Bangalore District.

5-4-27	Left Bangalore. Held meeting at Nelavangala. Received a petition signed by about 25 people of the village. Reached Tumkur in the evening.	Proceedings of this place are to be found in Appendix H(1).
6-4-27	**Tumkur District.**	
	Held meetings at Tumkur. The questionnaire was discussed at great length and answers recorded.	Proceedings of this place marked Appendix A, and the statistical portion as Appendix I.
7-4-27	Left Tumkur and reached Sira. Held meeting in the evening. Representations were also made in regard to the proposed shifting of the II Munsiff's Court to Tiptur.	Proceedings of this placed marked Appendix A(1) and Statistics Ia.
8-4-27	Left Sir and reached Hiriyur in the evening.	
	Chitaldrug District.	
8-4-27	Reached Hiriyur in the evening. Held meeting till 1-30 in the night. Heard representations.	Vide Appendix B(1)
9-4-27 and 10-4-27	Left Hiriyur and reached Chitaldrug. Meetings held in the afternoon of the 9th and morning of the 10th. Questionnaire was discussed in great detail and answers recorded.	Vide Proceedings marked Appendix B and statistics Appendix II).
11-4-27	AT BANGALORE.	
12-4-27 and 13-4-27	At Shimoga. Meetings held on the 12th and 13th. Questionnaire discussed fully. Representations made in regard to the establishment of a temporary Subordinate Judge's Court at Shimoga recommended by the Laws' Delays' Committee, but not sanctioned by Government.	Vide Proceedings marked Appendix C and statistics Appendix III.
14-4-27	Left Shimoga and reached Shikarpur in the night.	

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15-4-27	Left Shikarpur to Sorab in the morning. Enquiry at Sorab before noon.	Vide Appendix C(1)
-do-	From Sorab to Siralkoppa. Meeting held in the afternoon.	Vide Appendix C(2).
-do-	Reached Shikarpur at 4 P.M. Commenced enquiry and finished at 8 P.M.	Vide Appendix C(3).
16-4-27	Left Shikarpur and reached Shimoga.	
17-4-27	Left Shimoga to Honnali and back. Enquiry at Honnali. Made a specialrepresentation for restoring the Munsiff's Court at Honnali. Left Shimoga by train at 7 P.M. and arrived at Tarikere.	Vide Appendix C(4)
	Kadur District.	
18-4-27	Left for Narasimharajapura by tram and after breakfast went to Koppa and returned after holding a meeting there. Meeting at Narasimharajapura between 5 and 8 P.M.	Vide Appendix D(1)
19-4-27	Meeting continued at Narasimharajapura till 10A.M. Left by Tram and arrived at Tarikere in the evening.	Vide Appendix D(2).
20-4-27	Meeting at Tarikere between 8 and 11 A.M.	Vide Appendix D(3)
	Left Tarikere after breakfast and arrived at Chikmagalur in the evening of the 19th.	
21-4-27	Meeting at Chikmagalur in the morning at the Town Hall, and in the afternoon met the Lawyers in the Munsiff's Court and heard their representation. Besides the answers to the Questionnaire recorded at the morning meeting, answers were also returned (1) by the District Magistrate through his Personal Assitant Mr.P.H.Krishna Rao and (2) by the District Superintendent of Police.	Vide Appendix D.

22-4-27	Engaged in inspecting the buildings in which the courts were held, and the buildings to which the Munsiff's court was proposed to be shifted. Left in the night for Bangalore. Met the people of Kadur at the Travellers' Bungalow and heard their representations. The Amildar, in consultation with the towns people gave written answers to the Questionnaire, which is marked as Appendix D(4).	
23-4-27 to 25-4-27 (inclusive)	At Bangalore.	

Mysore District.

26-4-27	Left Bangalore and reached Mandya at 11 A.M. Held a meeting in the afternoon and inspected the several buildings available to provide accommodation for the location of the new Munsiff's Court. Reached Mysore at 7 P.M.	Vide Appendix E (1).
27-4-27	Meeting in the afternoon.	
28-4-27	Meeting continued in the morning. Went to Chamarajnagar in the afternoon and held enquiry till 5 P.M. Left Chamarajnagar. Halt at Nanjangud on the way to Mysore. Held enquiry in the vening at Nanjangud. Returned to Mysore in the night.	Vide Appendix E(2) Vide Appendix E(3)
29-4-27	Left Mysore for Seringapatam. Held enquiry in the forenoon. Left for Mysore in the afternoon and completed the enquiry at Mysore.	Vide Appendix E(4) For Mysore Proceedings see Appendix E.
30-4-27	Left Mysore in the morning and proceeded to Hunsur. Enquiry at Hunsur till 10-30 A.M. Inspected the buildings for the location of the new Munsiff's Court. Left Hunsur and reached Yedatore at noon. Enquiry held there in the afternoon. Left Yedatore in the evening and reached Hole Narsipur the same night.	Vide Appendix E(5) Vide Appendix E(6)

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Hassan District.

1-5-27	Held meeting at Hole Narsipur.	Vide Appendix F(1).
2-5-27	Left Hole Narsipur and arrived at Hassan. Meeting in the afternoon, continued on the 4th.	Vide Appendix F.
3-5-27	Left Hassan and arrived at Saklespur. Held meeting.	Vide Appendix F(2)
	Left Saklespur for Belur. Reached Belur in the evening.	
4-5-27	Meeting at Belur, and back to Hassan. Meeting at Hassan continued on this date.	Vide Appendix F(3)
5-5-27	Left Hassan for Bangalore.	
6-5-27 to 9-5-27 (inclusive)	At Bangalore. Attended to court work as Vacation Judge.	

Bangalore District.

10-5-27	Left Bangalore in the morning. Halted at Devanhalli. Held a meeting of the towns people, the local officers etc. Heard their representations.	Vide Appendix H(2)

Kolar District.

	Reached Chikballapur and held the enquiry there till 8 P.M.	Vide Appendix G(1)
11-5-27	Left Chikballapur in the morning. Halted at Sidlaghatta, Chintamani and Srinivasapura, and held meetings in all those places.	Vide Appendix G(2) -do- G(3) -do- G(4)
	Reached Kolar in the evening.	
12-5-27 and 13-5-27	Conference at Kolar lasted for two days. Returned to Bangalore in the evening.	Vide Appendix G.
14-5-27 to 16-5-27 (inclusive)	Attended to work as Vacation Judge.	

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Bangalore District.

17-5-27	Went to Chennapatna. Held enquiry and heard representations at a meeting of the townspeople .	Vide Appendix H(3).
	Left Chennapatna to Closepet. Held a meeting in the afternoon. Inspected the places available for locating the Munsiff's Court.	Vide Appendix H(4)
	Returnted to Bangalore in the evening.	
18-5-27	Meeting in the Deputy Commissioner's Court Hall at Bangalore. (continued on the 24th).	Vide Appendix H.
19-5-27	Met the deputation from Magadi in the Chief Court and heard their representations.	Vide Appendix H(5)
20-5-27 to 23-5-27	Attended to work as Vacation Judge.	
24-5-27	Meeting continued in the Deputy Commissioner's Court Hall at Bangalore and concluded.	

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GOVERNMENT OF HIS HIGHNESS THE

General and Revenue Secretariat,

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Dated Bangalore, 4.1.27 1927.

No. P. 818/GS-263-26-5

CH 227-26-8

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

A. Sreenivasaraghavachari, Esq, B.A.B.L.,

Registrar, Chief Court, Bangalore.

SIR,

With reference to your letter No.ROC. 991/26-27 dated 13th June 1927 submitting proposals in the matter of the establishment of additional Civil Courts, and the revision of the ministerial and process establishments, I am directed to state that these questions may be considered in a meeting of the Judges of the Chief Court with the Members of the Government proposed to be held in August 1927 along with the report on the combination of Civil and Criminal functions due from Mr. Justice C.S. Doraswami Iyer through the Chief Court. In this connection I am to forward herewith an extract from the speech of Rajasabhabhushana Diwan Bahadur Sir K.P. Puttanna Chetty at the last meeting of the Legislative Council togetner with the reply of the President thereon xxxx in the matter of not raising process fees in Munsiffs' Courts and raising the same to the Madras or Bombay level in other Courts. There is also the proposal to fix two rates of process fees one for Small Cause Courts and the other for the other Courts referred to in this office No.P.151/Cts. 181-25 dated 6-7-1927. These questions may also be considered at the conference referred to. It may be added that in view of the financial position it will be difficult to increase the cost of process establishment without increasing the fees; and the possible additional realisations by adopting the various methods may also kindly be intimated for consideration at the meeting.

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The date and time of the proposed Conference will be intimated to you in due course.

I have the honour to be,

Sir,

Your most obedient servant,

For Secy.to Govt. Law Dept.,

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878
P89

Advance Copy
for information.

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Recd 956/1927

125 878 P 27

Bangalore,

Dated 1927.

To

N. Madhava Rao, Esq., B.A., B.L.,
Chief Secretary to the
Government of Mysore,
BANGALORE.

original with follow through the Chief Court. 10.5.27

Through

The Chief Court of Mysore,
BANGALORE.

SIR,

Esq., Laws dept

I have the honor to state that in Chapter 18 of the Report of the Laws' Delays' Committee, 1926, certain temporary and permanent measures of relief for the removal of congestion in the civil courts were recommended and Government have generally accepted the same with some reservations and modifications, in Government Order No.P.5239-55/Cts. dated 4th April 1927.

2. Those measures of relief consisted of,

(1) the establishment of certain temporary and additional courts;

(2) the shifting of some Munsiffs' Courts from places where they are now located to other places;

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and (3) redistribution of the territorial jurisdiction of certain Munsiffs' Courts consequent on the creation of new courts.

As part of the said scheme it was proposed by the Committee to establish two additional Subordinate Judges' Courts, one at Bangalore for a period of two years, and the other at Shimoga for one year, and to shift the additional Munsiffs' Courts at Bangalore and Mysore, the Second Munsiff's Court at Tumkur, and the Munsiff's Court at Narasimharajapura, to Closepet, Mandya, Tiptur and Tarikere, respectively. As a measure of permanent relief, it was also proposed to establish a new Munsiff's Court at Hunsur with jurisdiction over the taluks of Hunsur, Heggadadevankote and Yedatore.

3. In regard to the re-distribution of territorial jurisdiction proposed by the Committee, attention is invited to the table printed on pages 235 to 237 of their Report. I shall herein indicate briefly the result consequential upon the proposed re-distribution.

I. BANGALORE DISTRICT : First Munsiff's Court, Bangalore:--

This court is at present exercising jurisdiction over Bangalore City and

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Bangalore Taluk. It is proposed to confine its jurisdiction to Bangalore City alone, adding Bangalore taluk to the Second Munsiff's Court, Bangalore.

Second Munsiff's Court, Bangalore :--

This court is now exercising jurisdiction over the five taluks of Hoskote, Anekal, Kankanhalli, Magadi and Chennapatna and the Sub-taluk of Closepet. The proposal is to give this Court jurisdiction over only four taluks instead of six, viz., the taluks of Anekal, Hoskote, Bangalore and Nelamangala. (Nelamangala is now within the jurisdiction of the Dodballapur Munsiff's Court).

Additional Munsiff's Court, Bangalore :--

This court has no territorial jurisdiction assigned to it at present, but is empowered to try only those cases that may be transferred to it by or under the orders of the District Judge, Bangalore. It is proposed to shift this court from Bangalore to Closepet, and give it territorial jurisdiction over the taluks of Kankanhalli, Magadi and Chennapatna, including Closepet Sub-taluk.

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MUNSIFF'S COURT, DODBALLAPUR :--

This court at present exercises jurisdiction over the taluks of Dodballapur, Nelamangala and Goribidnur. It is proposed to take away Nelamangala taluk from it and to give in its place Devanhalli taluk.

II. KOLAR DISTRICT. Munsiffs of Kolar and Kolar Gold Fields:--

The only change in the jurisdiction proposed, so far as these two courts are concerned, is to take away Malur taluk from the present jurisdiction of the Kolar Munsiff, and add it on to the jurisdiction of the Munsiff of Kolar Gold Fields.

Munsiff, Chikballapur :--

The change in regard to the jurisdiction of this court is to take away Devanhalli taluk and add it to the Dodballapur Court in the place of the taluk of Nelamangala taken from it and given over to the Second Munsiff, Bangalore.

III. TUMKUR DISTRICT. There are two Munsiffs' Courts at Tumkur. The First Munsiff exercises jurisdiction over the taluks of Tumkur and Kunigal and the Second Munsiff over

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the taluks of Tiptur, Chiknaikanhalli and Gubbi and the Sub-taluk of Turuvekere.

The Second Munsiff's Court is proposed to be shifted to Tiptur, and in regard to the jurisdiction of these two courts, it is proposed to add on to the First Munsiff a portion of the Gubbi taluk which will give about one hundred cases, and to assign the rest to the Second Munsiff.

IV. MYSORE DISTRICT.

(1) The Second Munsiff of Mysore is now exercising jurisdiction over the taluks of T. Narsipur, Yedatore (except the hoblis of Saligram, Mirle and Hosa Agrahar), Heggadedavankote, Hunsur and the hoblis of Chandgal and Belagola and the villages of Seringapatam Hobli to the south of Cauvery. It is proposed to confine the jurisdiction of the Second Munsiff to the taluks of T. Narsipur, Kadakola hobli, portion of Seringapatam taluk south of the river Cauvery and portion of the Nanjangud taluk north of the river Kapini.

(2) To shift the additional Munsiff's Court at Mysore to Mandya with jurisdiction over Nagamangala, Mandya and Malavalli.

(3) To establish a new court at Hunsur with jurisdiction over the taluks of Hunsur, Heggadedavankote and the whole of Yedatore.

(4) To the Seringapatam Munsiff's Court it is proposed to give the whole of Seringapatam taluk, minus what has been assigned to the Second Munsiff of Mysore, and the whole of Krishnarajpet taluk.

(5) The Munsiff of Nanjangud will have his present jurisdiction minus that portion of the Nanjangud taluk which is north of the Kapini river and the Kadakola hobli.

HASSAN DISTRICT.

The Munsiff's Court at Hole Narsipur, though situated in the Hassan district, is exercising jurisdiction over the hoblis of Saligram, Mirle and Hosa Agrahar of the Yedatore taluk, and the Akkihebbal hobli of the Krishnarajpet taluk. In the redistribution all the three hoblis of Saligram, Mirle and Hosa Agrahar of Yedatore, will go to the new Court at Hunsur, and the Akki-hebbal hobli will go to the Munsiff of Seringapatam.

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The above in substance are the recommendations made by the Laws' Delays' Committee.

In the course of my tour, representations were made in the various places which were affected by the above redistribution, and although it did not form part of the special work entrusted to me in connection with the general administration of criminal Justice, I heard them in order that they might be placed before the Chief Court and Government for such reconsideration as might be deemed fit. Most of these representations, however, were not new and were already considered by the Laws' Delays' Committee who, in paragraphs 349 and 350 of the Report, observed as follows :--

" We have given careful consideration to the following points in respect of these courts, in suggesting permanent and temporary measures of relief and in the re-distribution of their present territorial jurisdiction :--

1. The number of existing courts.

2. Existing congestion and the probable number of institutions in future according to the present territorial jurisdiction and according to the re-distribution proposed by us.

3. Importance of centres and location of the courts.

4. Facilities for transport by road, railways, or otherwise at present existing or may be expected in the near future.

5. Preference as far as possible in the location of courts at different places than grouping a number of them at a single centre.

6. To disturb as little as possible the existing territorial jurisdiction except where a change is necessary on account of the creation of new courts, permanent or temporary, or where it is found necessary on account of other causes to re-distribute the existing areas.

* We have endeavoured, as far as possible, to secure an equal distribution

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of work as between the several co
from the point of view of both th
ber of institutions and the nature
litigation. We have also consid
representations made by the inhab
of particular taluks or localities
this matter and the location of Mu
Courts and accepted them wherever
special representations do not conf
with the general principles adopted
us for allocation of courts. We ha
for instance, accepted the represen
tion from the people of Nelamangala
taluk that it is inconvenient for th
to have their taluk included within
the jurisdiction of the Dodballapur
Munsiff and that they would prefer to
be included within the territorial jur
diction of a Munsiff's Court located
Bangalore. We have accepted the re-
presentations of the people of Closepet
and Tiptur for a Munsiff's Court being
located at those places, respectively.
On the other hand, we have come across
representations where the people of
several other taluks, which are neither
convenient centres nor can be said to be
centrally situated, have urged the

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location of Munsiffs' Courts at their respective taluk head-quarters. Many of these representations conflicted with the interests of neighbouring taluks and it is obvious that it is not possibl to satisfy all representations for the location of a Munsiff's Court at each headquarter. Wherever these representations conflicted with the general principles of equal distribution and convenient centres for locating Munsiffs Courts, we have refrained from accepting them".

5. I shall now proceed to deal with the representations made to me district by district.

1. BANGALORE DISTRICT :--

The people of Chennapatna have made a strong representation that the additional Munsiff's Court at Bangalore, proposed to be shifted to Closepet, should be located at Chennapatna and not at Closepet, while the people of Closepet have given various reasons as to why Closepet should be preferred. Briefly stated, preference is asked to be given to Chennapatna, because though it may not be centrally situated so far as the three taluks of

Magadi, Channapatna, Kankanhalli and Closepet Sub-taluk, still the distance between Closepet and Channapatna being only seven or eight miles, this additional distance will not cause material inconvenience to the litigants of these parts. Secondly, that Channapatna being the richest, largest and most litigious of the four taluks, the Munsiff's Court must be located at that place. Thirdly, it is healthier than Closepet, affords better facilities for accommodation to the Court staff, litigants, witnesses and the members of the Bar, and water facilities are better.

The people of Closepet refute all these points.

The people of Magadi are averse to go to Closepet even, and much more so, to Channapatna. They prefer to allow the jurisdiction over their taluk to remain with the Second Munsiff's Court at Bangalore.

The subjoined abstract shows the institutions from the taluks concerned:--

STATEMENT SHOWING THE NUMBER OF INSTITUTION[illegible] OF CIVIL CASES DECIDED BY THE [illegible] COURT, MADANAPALLE, MADANAPALLE AND CHENNAPATNA DIVISION FOR THE YEARS 1922-23, 1923-24 and 1924-25.

Name of taluk.	Original suits.			Small cause suits.		
	1922-23	1923-24	1924-25	1922-23	1923-24	1924-25
CHENNAPATNA	176	163	202	61	42	36
KANNANHALLI	116	84	104	45	63	49
MAGADI	158	106	116	123	89	91
CHOSEN/ST	105	85	65	65	72	89

It will be seen from the above that the contribution of litigation from Chennapatna taluk is by far the largest, at any rate so far as original suits are concerned. Leaving Closepet out of account, both Magadi and Kankanhalli put together contribute more cases than Chennapatna, and if the people of those two taluks are materially inconvenienced by locating the Court at Chennapatna, their representations also deserve equal consideration.

Moreover, in locating the Special Magistrate's Court under the Separation Scheme, Closepet was preferred as most centrally situated among these four taluks. A glance at the map will also show that Closepet is most centrally placed. Magadi is 21 miles from Closepet, Kankanhalli 17 miles, and Chennapatna 7 miles. The headquarters of the revenue Sub Divisional Officer is also at Closepet. If for revenue and criminal purposes Closepet is suitable, there is no reason why for civil purposes alone people should find it less convenient than Chennapatna. These were considerations which mainly influenced the Laws' Delays' Committee in preferring,

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Closepet to Chennapatna.

It is true there was many years ago a Munsiff's Court at Closepet and that it was abolished when the Second Munsiff's Court at Bangalore was established. I am unable to state what precisely were the reasons that led to the transference of the work from the Closepet Munsiff's Court to the Second Munsiff's Court at Bangalore; but I am told that as the latter court had jurisdiction over some other taluks of the Bangalore district in addition to these, Bangalore was then chosen as more central and better suited to meet the conveniences of all concerned. Now that the jurisdiction is confined only to the group of the four taluks of Magadi, Chennapatna, Kankanhalli and Closepet, taking all circumstances into consideration, Closepet seems to be better suited than Chennapatna. The Deputy Commissioner of Bangalore and the local officers are of this opinion. The representations from Chennapatna, Closepet and Magadi are to be found in Appendix .....

If Government should think that as there is the Special Magistrate's

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Court at Closepet, Chennapatna may be given the benefit of a civil court, I see no particular objection to this course. In any case, the road between Magadi and Closepet must be repaired, if the work has not already been taken on hand, as early as practicable. Otherwise, the people of Magadi will have a genuine grievance.

The people of Magadi taluk met me in deputation at Bangalore and represented that Magadi might be left undisturbed, as it is more convenient for them to go to Bangalore than to Closepet. Closepet not being connected by any good road or by bus service, they are at present obliged to travel to Bangalore and thence by rail to Closepet. This inconvenience could be obviated by putting the Magadi Closepet road in good repair soon.

The people of Nelamangala want that the Munsiff's Court should be shifted to their place from Dodballapur, a constantly recurring request. This matter was considered on several occasions by the Chief Court and Government and more recently by the Laws' Delays' Committee as impracticable.

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The question of removing Devanhalli from Chikballapur Court and attaching it to the Dodballapur Court is considered in a subsequent paragraph in dealing with the representation from Chikballapur.

11. TUMKUR DISTRICT :

It is stated that the proposed shifting of the Second Munsiff's Court at Tumkur to Tiptur would be attended with great inconvenience at present. The Deputy Commissioner and the local officers and the members of the Bar at Tumkur are all of the opinion that no suitable buildings are now available at Tiptur to locate the Court or to house the court officials and lawyers. The shifting of the Court may for the present, be kept in abeyance till I inspect the place with the Deputy Commissioner, in order to find out the extent of accommodation available.

111. KADUR DISTRICT :

The Law' Delays' Committee recommended in para53 of their report that the Munsiff's Court at Narasimharajapura be shifted to Tikere, and that the Second Grade Mastrate's Court at Tarikere abolished, the work of the latter Court being divided between the Munsiffs

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of Chikmagalur and Narasimharajapura as suggested in my report on the working of criminal courts.

After hearing the various representations at Narasimharajapura, Koppa, Sringeri, Tarikere and Chikmagalur, I am inclined to recommend a reconsideration of the proposals made by the Laws' Delays' Committee, and to advise the continuance of the Munsiff's Court at Narasimharajapura itself. Looking back into the history of this court, it would appear that for precisely the same reasons which induced the Laws' Delays' Committee, the Court was abolished in 1907-08, and the work was distributed between the Chikmagalur and Shimoga Munsiffs' Courts. On repeated representations from Narasimharajapura, the Court was re-established in the year 1915-16. The small cause jurisdiction was also raised from Rs.50 to Rs.100 in 1921-22. It is true that this Munsiff has not got as much work as other Munsiffs in the State, but it is not possible to give him more civil work by the addition of any other taluk to his local jurisdiction owing to distances and Malnad conditions. It is strongly urged that in

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Malnad tracts distance does count for much, and that though there may not be full work for a Court there, still the other considerations which apply particularly to those areas, ought to outweigh in the selection of places for the location of courts. It is also pointed out that the establishment of civil courts in Malnad should be considered as part of the Malnad Improvement Scheme. It seems to me that there is much force in these representations.

In this connection, it may be observed that in Section VI of my report relating to the redistribution of the territorial jurisdiction of Magistrates' Courts, I have suggested that the Munsiff's Court at Narasimharajapura may also be invested with second class criminal powers, over cases arising in the taluks of Koppa, Narasimharajapura and Sringeri, which on the average do not exceed about 30 cases a year, as this court has not as much civil work to do as other courts and this small addition will not materially interfere with its civil work.

iv. SHIMOGA DISTRICT :

The people of Honnali represent that the Munsiff's Court at that place,

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which was abolished in the year 1904, may be restored. Before the year 1883 it would appear that there were two Munsiffs' Courts, one at Shikarpur and the other at Davangere. Harihar and Davangere taluks were included in the Shimoga district then These two courts were abolished, and in their place one Court was established at Honnali, a central place with jurisdiction over the taluks of Honnali, Shikarpur, Harihar and Davangere. Even after Harihar and Davangere were made over to the Chitaldrug district for revenue purposes, the Honnali Court continued to exercise civil jurisdiction over them until the Court was abolished in 1904, on account of retrenchment, when Shikarpur was given over to the Munsiff's Court at Sagar, Honnali to the Court at Shimoga, and Harihar and Davangere to the Court at Chitaldrug. The Honnali people now want that a Court should be established at Honnali with jurisdiction over Honnali, Shikarpur and Chenmagiri taluks.

I am favourably impressed with this proposal, because the conditions of Malnad districts require special consideration and an additional court at Honnali

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will add to the facilities of the three taluks concerned in the matter of their civil litigation. I would therefore suggest that instead of a temporary Munsiff's Court as sanctioned by Government for the period of one year to clear off the arrears of the Shimoga and Sagar Munsiffs' Courts, a Court may be established tentatively at Honnali with local jurisdiction over the taluks of Honnali, Shikarpur and Chennagiri. To this Court the pending cases of these taluks may be made over, thereby relieving the present congestion in the Sagar and Shimoga courts. And moreover it will enable us to gauge what volume of work this court will receive from fresh institutions. At the end of the trial period, which for the present may be fixed at a year or two, we will be in a position to ascertain the needs of the locality and the necessity or otherwise of its continuance. It will not be very difficult to get the necessary accommodation at Honnali.

v. KOLAR DISTRICT :

(1) Malur taluk :-- The Laws' Delays' Committee proposed Malur taluk to be taken away from the Kolar Munsiff's

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Court and added on to the Kolar Gold Fields Munsiff's Court as the work in the Kolar Munsiff's Court was falling into arrears and some relief was considered necessary. From the statement published on page 13 of their report, it will be seen that the average institutions for the three years preceding, was 1064 original suits and 1071 small causes in the Kolar Munsiff's Court, as against 758 original suits and 2045 small cause suits in the Kolar Gold Fields Court. As the nature of the original suits in the Kolar Gold Fields Munsiff's Court was not generally complicated or keenly contested, the Committee thought that to afford relief to the Munsiff's Court, Kolar, Malur might advantageously be tacked on to the Munsiff's Court at Kolar Gold Fields. As the people of Malur now represent that their taluk may continue to be attached as hitherto to the Munsiff's Court, Kolar, the present arrangement may be allowed to continue, especially as I ascertained in Kolar that since the publication of the Report of the Laws' Delays' Committee there were large disposals, and that the file could be brought under control in about a year.

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(2) Srinivasapur and Chintamani :-- I agree with the representations of the people of Srinivasapur that the jurisdiction of the Village Munsiff's Court there may be raised to Rs.25, and of the people of Chintamani that a Village Munsiff's Court may be established there with jurisdiction up to Rs.25/-.

(3) Chikballapur and Devanhalli :-- About 1913 the taluk of Goribidnur was taken away from the jurisdiction of the Chikballapur Munsiff's Court and given over to the Dodballapur Court. In the place of Goribidnur taluk, the taluk of Devanhalli was given to the Chikballapur Munsiff's Court. The Laws' Delays' Committee, as part of the general scheme of the redistribution of work in the courts of the First and Second Munsiffs of Bangalore, the Court proposed to be established at Closepet and the Munsiff's Courts at Dodballapur and at Chikballapur, suggested Devanhalli being given over to Dodballapur Munsiff's Court in the place of Nelamangala given over to the Second Munsiff of Bangalore. This proposal was made on account of the heavy pendency in the Chikballapur Munsiff's Court, so much so that the Laws' Delays' Committee

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proposed a temporary Munsiff's Court for a period of one year to clear off the arrears in the Chikballapur Munsiff's Court. It was therefore thought that some relief should be given to the Chikballapur Court as a permanent measure to avoid a recurrence of similar congestion in future, and with this object it was proposed to take away Devanhalli from the jurisdiction of the Chikballapur Munsiff's Court. It is now represented both at Chikballapur and Devanhalli, that Chikballapur is much more convenient to the people of Devanhalli than Dodballapur. It might be so, but any disturbance in the net work of arrangements concerning the five taluks above-mentioned is not desirable, especially as Dodballapur court is not so inconvenientlly situated, so far as Devanhalli taluk is concerned.

Recently, the hobli of Chelakanerpa of Sidlaghatta taluk was transferred to Chintamani taluk for revenue purposes, with the necessary consequence that unless otherwise provided the civil jurisdiction over that hobli will now vest in the Kolar Munsiff's Court. At the time when the Laws' Delays' Committee made the recommendation of taking away Devanhalli taluk,

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the transfer of this hobli to Chintamani taluk was not effected. I think that this hobli can well continue to be attached to the Chikballapur Munsiff's Court as its work has been lightened by the transfer of Devanhalli taluk to Dodballapur court and as the Kolar Munsiff will continue to retain Malur in his court, as proposed above. Furthermore, as desired by the people of Manchenahalli, that hobli may be removed from the Dodballapur Court and attached to Chikballapur Court as it is much nearer to the latter court, almost on the border of the Chikballapur court.

A proposal was also made to split Devanhalli into two parts and to give one part to Chikballapur court and the other to Dodballapur court. But as I have stated already, it is not desirable to disturb the arrangements affecting a group of five courts.

vi. MYSORE DISTRICT.

In the Mysore district the representation against the establishment of a Munsiff's Court at Hunsur is based on grounds analogous to those urged in respect of the proposed location of a Munsiff's

Court at Closepet, viz., the insanitary condition of the town, inaccessibility to parts of Heggadadevankote and Yedatore taluks, insufficiency of good water supply, and the relative unimportance of Hunsur compared with Yedatore, where the bulk of the civil litigation is stated to lie.

The proposed transfer of the additional Munsiff's Court now at Mysore, to Mandya is objected to by some persons of the Seringapatam taluk on the ground that there are no adequate facilities for suitors at Mandya, and that if the proposed re-distribution of the territorial jurisdiction of the Courts at Mandya and Hunsur were to take place, it would leave insufficient work for the existing Court at Seringapatam.

It may perhaps be useful to have some idea as regards the history of the courts which once were located at Hunsur and Mandya, and subsequently abolished. In the Mysore Division (known formerly as the Ashtagram Division), four Munsiffs' Courts were established in the year 1875, with pecuniary jurisdiction up to Rs.300 :--

(1) one at Mysore with jurisdiction over (a) Mysore town, (b) Mysore taluk and (c) Astagram taluk (Seringapatam taluk);

(2) one at Nanjangud, with jurisdiction over the taluks of (a) Nanjangud, (b) Talakad (T.Narsipur), (c) Yelandur, (d) Chamarajnagar and (3) Gundlupet;

(3) one at Hunsur with jurisdiction over (a) Periapatna (Hunsur), (b) Yedatore, (c) Heggadadevankote, and (d) part of Arkalgud (Hassan district);

(4) one at Mandya with jurisdiction over (a) Mandya, (b) Malavalli, (c) Attikoppa (now Krishnarajpet) and (d) Nagamangala.

vii. HASSAN DISTRICT:

Simultaneously with the establishment of these courts in the Mysore district, two Munsiffs' Courts were established in the Hassan district which formed and still forms a part of the Mysore Division, one Court at Alur with jurisdiction over the taluks of (1) Mahirajdurg (2) Manjarabad, and (3) Belur, and the other court at Hassan with jurisdiction over (1) Hassan, (2) Chennarayapatna, (3) the remaining part of Arkalgud, (4) Hole Narsipur, (5) Harnehalli (now Arsikere) and (6) Kekkeri hobli (part of Attikoppa taluk).

It was found by actual working that such a distribution of territorial jurisdiction gave unequal work to these courts and in 1879, it was found necessary to have a redistribution of local areas. Seringapatam taluk was removed from the jurisdiction of the Mysore court, and added on to that of the Mandya court. Attikoppa taluk was taken away from the Mandya Court. Instead of two courts in the Hassan district, one at Alur and the other at Hassan, the Court at Alur was abolished, and a new court was established at Hole Narsi pur with certain modifications in regard to the territorial jurisdiction of each of these courts. Attikoppa taluk became attached to Hole Narsipur court. The pecuniary jurisdiction of Munsiffs was also raised from Rs.300 to Rs.500. By the year 1892, it was raised to Rs.1000/- and by Regulation II of 1898 it was further raised to Rs.2500/-.

After some time representations were received to the effect that the Mandya court was not centrally situated. After a good deal of discussion as to whether that court should be transferred to French Rocks or Seringapatam, it was eventually decided that it should be transferred to

Seringapatam with jurisdiction over the taluks of Seringapatam, Mandya, Malavalli and Nagamangala.

The court at Hunsur continued for some time longer with jurisdiction limted to the taluks of Periapatna (Hunsur taluk), Yedatore, and Heggadadevankote. About the year 1897, the Court at Hunsur was abolished, Heggadadevankote taluk being added to Nanjangud court, Yedatore to Hole Narsipur court, and Hunsur to Mysore court. Thereupon the people of Heggadadevankote complained that they were greatly inconvenienced by the attachment of their taluk to the Nanjangud Munsiff's Court. Subsequently, in 1900, the question as to whether the temporary additional Court at Mysore, should be made permanent or not came up also for consideration.

Two views were then expressed, one in favour of the re-establishment of the Court at Hunsur with jurisdiction as before over the taluks of Yedatore, Hunsur and Heggadadevankote -- an opinion favoured by the Chief Court --, and the other, to make the temporary additional court at Mysore permanent with jurisdiction over these three taluks and some other areas. Government favoured the latter view, and

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as a result Heggadadevankote which had been added to Nanjangud was removed therefrom, and attached to the additional Court at Mysore. Hunsur taluk was shortly thereafter tacked on to the additional Munsiff's Court at Mysore with effect from 1st August 1901. Yedatore was also transferred from Hole Narsipur to the additional Munsiff's Court at Mysore. (Vide Government Order No.J.112 dated 20th July 1901).

Between the years 1902 and 1906 frequent representations were made to retransfer Yedatore to the Hole Narsipur court, while the people of Saligrama of Yedatore taluk set up a counter move to continue Yedatore within the jurisdiction of the additional Court at Mysore. In 1910-1911 in consequence of repeated representations, Yedatore taluk was split into two parts, one part comprising the hoblis of Saligram, Kirle Hosa Agrahar was transferred to the Hole Narsipur court, and the rest of the taluk was retained in Mysore. These arrangements continue to be in force till now. So that there are now five Munsiffs' Courts in the Mysore district-- 3 in Mysore (First Munsiff's Court, Second Munsiff's Court and Additional Munsiff's Court), 1 at Nanjangud and 1 at Seringapatam, and two courts in the Hassan district, one at Hassan and the other at Hole Narsipur.

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The Laws' Delays' Committee thought, for reasons already mentioned, that there should be a decentralization of the Courts in Mysore, and that for carrying on the heavy work, without falling into arrears, in the Mysore district, an additional court was necessary with suitable redistribution of territorial areas. They therefore suggested the transfer of the additional Munsiff's Court at Mysore, to Mandya, and the establishment of a new court at Hunsur, as the latter was centrally situated among the three taluks of Heggadadevankote, Hunsur and Yedatore. As part of this scheme, it was found necessary to take away the three hoblis of Kaligrama, Kirle and Hosa Agrahar from the Hole Narsipur court and attach the same to the new court at Hunsur. The statistics of civil litigation of these various courts are collected and incorporated in the report of the Laws' Delays' Committee.

No doubt Hunsur is not an ideal place from every point of view for the location of a new court. But in the absence of a better place, it was thought that the court might be restored at a place where it was until it was abolished in the year 1897. If at a time when there were

not the present day conveniences of motor transport, the taluks of Yedatore and Heggadadevankote could be attached to the Court at Hunsur, the Laws' Delays' Committee thought that there could possibly be no objection to their remaining attached to the same court on the score of distance. As between Hunsur and Yedatore, it will be seen that there is not much difference from the climatic point of view. Indeed it has been decided to shift the whole town of Yedatore from its present spot three miles higher up, to a much healthier and elevated locality. Therefore there is no object gained in having a new court established at an old town the shifting of which is only a question of a few years more or less. Further, if only the taluks of Hunsur and Yedatore were concerned, it would be perhaps immaterial where the court is located, whether at Hunsur or Yedatore, but the convenience of the people of Heggadadevankote would certainly be served if the court was located at Hunsur, which is midway between Heggadadevankote and Yedatore, though the work which Heggadadevankote taluk now contributes is not so much as that of either of the other two taluks. It was also thought that as there was a Magistrate's Court at Hunsur

with jurisdiction over the very same three taluks, the establishment of a Munsiff's Court also in that place would be an advantage to the litigants and to the legal practitioners in a greater measure than Yedatore. Further there is also accommodation at Hunsur which with slight alterations could be made suitable for a Munsiff's Court. The road between Heggadadevankote and Hunsur is stated to be in bad repair in several places; but if it is put in proper order, bus service is expected to be established between the two places and that will dispel all apprehensions in the minds of the people of Heggadadevankote, as to the safety of the road. It would appear that Government have sanctioned a sum of Rs.90000/ for a protected water supply to the town of Hunsur and this will doubtless make the place healthier. Considering all circumstances, there is much to be said in favour of the recommendations of the Laws' Delays' Committee to have the new court at Hunsur.

If, however, Government are not in favour of it, it would be preferable to continue the additional Court at Mysore, with jurisdiction over the three taluks of Yedatore, Hunsur and Heggadadevankote, and to establish the new court at Mandya with jurisdiction as proposed by the Laws' Delays' Committee. In that case the Hole Narsipur Court may be allowed to have jurisdiction

over the nine villages of Hanati Hobli which have recently been added, for revenue purposes, to the Tiptur taluk.

The removal of the two hoblis of Kattaye and Grama, from the jurisdiction of the Munsiff's Court at Hassan, and the addition of the same to the Hole Narsipur Court, as suggested by some persons at Hole Narsipur, are not desirable as that will not leave the Hassan court sufficient work. The question may, however, be re-considered, if the work in the Hassan court should increase in the next few years as the Munsiff thinks it might.

The representation of some of the people, to locate the proposed court at Malavalli, instead of at Mandya is obviously untenable, Malavalli being far off, for the people of Nagamangala taluk, and not so centrally situated as Mandya. Nor does it appear to be feasible to attach Nagamangala taluk to the Seringapatam court, as such a course will, besides causing inconvenience to the people of Nagamangala taluk, leave insufficient work to the Mandya Court.

In regard to the objection from the Seringapatam taluk, people that the work in Seringapatam court will be insufficient if the proposed redistribution is to be carried out, a trial may be made for a few years

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and if it should then turn out that the representation is well-founded, it is not difficult to give it more work either by transfer of cases or by re-allotment of territorial areas.

8. In making the above recommendations, I have as far as possible endeavoured to reconcile the conflicting interests of the inhabitants of the localities concerned, and of the members of the Bar generally and I believe that the location of courts and the redistribution of territorial jurisdiction which I have now suggested, will be conducive to the speedy disposal of litigation, and will also ensure sufficient work for each court, and of equal distribution of cases among all the Munsiffs' Courts in the State. If after some experience, it should be found that further changes are necessary, the question might then be considered with due regard to the state of civil litigation at that time.

I have the honour to be,

S i r,

Your most obedient servant,

[signature]

BANGALORE
10th August 1927.

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nop. 1190 & 24.8.27

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To

The Registrar, Chief Court

Sir,

In continuation of this office letter No. P. 818/Cts 263-26-5 dated the 4th August 1927, I am directed to state that the joint meeting of the Judges of the Chief Court with the members of Government, will be held in the Dewan's Chambers in the Old Public Offices at 2 P.M. on Saturday the 3rd September 1927 for the consideration of the subjects referred to therein.

I have etc.,

Secy. to Govt.
Law Dept.

Dy. 26.8.27

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GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 1227 (6) *Dated, Bangalore,* 27/8/1927

From

B. NAGAPPA, Esq., Bar-at-Law
Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department

To

A. Sreenivasaraghavachari, Esq, B.A.B.L.,

Registrar, Chief Court, Bangalore.

Sir,

I am directed to forward herewith a copy of the Agenda for the meeting to be held on 3rd September 1927.

I have the honour to be,

Sir,

Your most obedient servant,

27/8 For Secretary to Government,

Law Department.

1927

A g e n d a.

(1) Revision of the ministerial establishment of the Civil Courts;--

(a) Whether the pay of the Head Clerk in the Chief Court and the Dist.Sheristedars of Dist.Courts ~~cannot~~ may not remain as at present.

(b) Whether the pay of the next official to the Head-Clerk in the Chief Court ~~cannot~~ may not be fixed at Rs.100-5-120.

(c) Whether 4 appointments on 80-4-100 ~~cannot~~ may not be created in the Chief Court out of 36 appointments and ,

(d) Whether the remaining 32 appointments ~~cannot~~ may not be fixed at Rs. 30-2-45-3-60-4-80.

(e) Whether in the Subordinate Civil Courts the last 280 appointments may not be fixed as follows.- 120 places on 30-2-40 and 160 places on 25-1-30.

(2) Revision of the Process establishments:-

Financial aspects of the following schemes;-

(i) Raising the rates of Process fees by 25% all-round.

(ii) Fixing two rates - higher rates in the higher courts Courts and lower rates in the Munsiff's and Small Cause Courts.

(iii) Fixing two rates - One for the Small Cause cases - and higher one for the original cases.

(3) Munsiff - Magistrates.

(a) Proposals of the Laws' Delays' Committee, (page 45 of the report.)

(b) Secretariat Scheme.(p.47 of the report.)

(4) Stipendiary Magistrates Courts.(p.61 of the report).

(5) Circuit System. (p.72 of the report.)

(6) Re-distribution of work in the existing Criminal Courts. (P.77 of the report).

(7) Abolition of Bench Courts. (p.33 of the report.)

(8) Association of Special Magistrates or Amildars with Honorary Magistrates.(p.34 of the report.)

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(9) Payment of batta to witnesses in Criminal Courts (p.90 to 95 of the repor

(10) Establishment of additional Civil Courts.

(a) Location of the Munsiff's Court at Closepet or Chennapatna.

(b) Location of the Munsiff's Court at Hunsur or at Mysore.

(c) Location of a Munsiff's Court at Hönnali. (temporarily)

(d) ~~Location of~~ Shifting of the Second Munsiff's Court at Tumkur to Tiptur.

(e) Shifting of the Munsiff's Court at Narasimharajapura to Tarikere and abolition of the Special Magistrates Court at Tarikere.

(11) Formation of one cadre for Civil Judiciary and magistracy excluding Assistant Commissioners and Amildars.

(12) Courts for training Assistant Commissioners and Amildars in Criminal Work - How many and Where.

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A g e n d a.

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(b) Whether the pay of the next official to the Head-Clerk in the Chief Court may not be fixed at Rs.100-5-120.

(c) Whether 4 appointments on 80-4-100 may not be created in the Chief Court out of 36 appointments and,

(d) Whether the remaining 32 appointments may not be fixed at Rs.30-2½-45-3-60-4-80.

(e) Whether in the Subordinate Civil Courts the last 28 appointments may not be fixed as follows:- 120 places on 30-2-40 160 places on 25-1-30.

(2) Revision of the Process establishments:-

Financial aspects of the following schemes:-

(i) Raising the rates of Process fees by 25% all round.

(ii) Fixing two rates - higher rates in the higher Courts & lower rates in the Munsiff's and Small Cause Courts.

(iii) Fixing two rates - One for the Small Cause cases - and higher one for the original cases.

(3) Munsiff - Magistrates.

(a) Proposals of the Laws' Delays' Committee, (page 44 of the report).

(b) Secretariat Scheme.(p.47 of the report.)

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(5) Circuit System.(p.72 of the Report.)

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(9) Payment of batta to witnesses to Criminal Courts (p. 95 of the report.)

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10. Establishment of additional Civil Courts.

(a) Location of the Munsiff's Courts at Closepet or Chennapatna.

(b) Location of the Munsiff's Court at Hunsur or at Mysore.

(c) Location of a Munsiff's Court at Honnali. (temporarily)

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(e) Shifting of the Munsiff's Court at Narasimharajapura to Tarikere and abolition of the Special Magistrate's Court at Tarikere.

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(12) Courts for training Assistant Commissioners and Amildars in Criminal work - How many and where.

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This is Duplicate copies.

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SUMMARY OF DISCUSSIONS AT THE MEETING OF THE JUDGES OF THE CHIEF COURT WITH THE DEWAN AND MEMBERS OF GOVERNMENT? HELD ON THE 3RD SEPTEMBER 1927.

****

Present.

Amin-ul-Mulk Mirza M.Ismail, C.I.E., O.B.E., (Dewan);

. Hindley Esq., B.A.,(First Member);

Rajadharyaprasakthe Dewan Bahadur K.P.Krishna Rao, B.A., (Second Member);

C.S.Muthusundaram Iyer Esq., B.A., (Third Member);

C.S.Sarangapani Iyer Esq., B.A., B.L., (Chief Judge);

D.K.Narasa Rao Esq., B.A., B.L., (Judge, Chief Court); and

S. Srinivasa Iyer Esq., B.A., B.L., (Judge,Chief Court).

Messrs. P.Madhava Rao, B.A., B.L.,Chief Secretary to Government and B.Srinivasa Iyengar, B.A., B.L., Financial Secretary to Government also attended.

First and Second Grade Magistrates may be absorbed in the cadre of Subordinate Judges and Munsiffs as the case may be, if they were recruited from the Bar; otherwise as Assistant Commissioners or Revenue Officers (Non-Civil Service). Special Magistrates Third Grade may be absorbed among Munsiffs. Financial Secretary will consider if single time scale can be fixed or if two classes of Munsiffs should be created. The arrangement should in neither case involve -- additional cost.

2. The question of abolishing Bench Courts as a general rule may be dropped. These courts may be retained and such of them as are by experience found to be unnecessary or unsatisfactory may be abolished, each case being considered on its merits.

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3. Circuit System and redistribution of jurisdiction of

Criminal

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Criminal Courts may be tried, subject to changes, if any, to be made as a result of the decision to retain Bench Courts.

4. The question of paying batta to witnesses attending Magistrates's Courts will be dropped.

5. Location of Munsiffs' Courts at Closepet, Mandya and Hunsur is approved; and if accommodation is available at Tiptur, the location of a Munsiff's Court there may be considered. The location of a Court at Honnali is not necessary.

6. The temporary Sub-Court sanctioned for Bangalore in Government Order No.J.5250-53/Ctn.263-36-1 dated the 4th April 1937 will be located at Shimoga for such period as is necessary to clear off the arrears and then will be transferred to Bangalore.

7. Combination of functions - Civil Judicial and Criminal. This scheme will not be adopted as a general rule, but under-worked Magistrates should be given more work by the Chief Court by transferring Civil Suits to them for trial and Munsiffs in charge of Mofussil Courts may be given Criminal work.

8. Raising the scale of Process Fees. The recent order enhancing the scale by 25 per cent may be given effect to; and proposals of the Chief Court for the revision of the salaries of the Process Establishment may be sanctioned. (Cost about Rs.30,000/-).

9. Re-organisation of the Clerical Establishment. The proposals for revision as agreed to by the Chief Judge in consultation with the Financial Secretary may be accepted.

10. The four Assistant Commissioners in the First Grade of Special Magistrates may be reduced to three and the number of Sub-Judge Magistrates raised correspondingly.

720

Revision of the ministerial establishment of the Civil Courts (Ots.1&2-35).

Chief Court proposals.

1 on Rs. 125-10-175
1 on Rs. 100-5- 125

36 on (30-2½-45-3-60-4-100)

Allowance to Stenographer Rs.10

Mutanies.

1	-	25
1	-	25
1	-	20
1	-	18
1	-	16
5		

Sub-ordinate Courts.

3 on 125-10-175

3 on 80- 4-100
on 60- 4- 80
on 45- 3- 60

on Rs. 30-2½-45

" 25-1- 30

K. G. F. allowance Rs. 35

cost. 33,748.

Financial Secy's suggestions.

1 on Rs. 120-6-150 (as at present)
1 " 100-5-120
4 " 80-4-100
32 on Rs. 30-2½-45-3-60-4-80

-

No remarks.

3 on Rs. 120-6-150 (as at present)

No remarks.

120 on Rs. 30-2-40

160 " 25-1-30

No remarks.

Extra cost. 24,149.

... Courts proposal.

The Chief Court in the year ... proposed the following revision:

1) Asst.Nazirs 8 on Rs.25/-

2) Revision of the pay of the Amin - 20-1-30.

3) Revision of the pay of the Process server. 12-½-15

4) Cycle allowance to each server who owned a bike. Rs.5/-

5) Bonuses to a server. - 16740/-

... (Act I of 1930).

Secretariat Notes.

Govt. stated that a revised scheme may be forwarded limiting the cost to the extra realisations of process fees in the higher courts by raising the same to the Madras level together with a grant of Rs.10000/- from general revenues. The Chief Court expected the extra realisations to come to Rs.10000/- and accordingly sent a revised scheme limiting the cost to Rs.20000/- The revised scheme is as follows:-

	Extra cost.
A charge allowance of Rs.15/- to each Nazir	- 3780
Raising the pay of the Amin to Rs.20-1-25	- 5871
Raising the pay of the Process servers to Rs. 14-½-15 and reducing the number by 3 % and adding 2 more for Guard to each court.	- 1104
	- 120
Appointment of 8 Asst.Process Nazirs, on Rs. 25 to 8 heaviest courts.	- 8400
	Rs. 19,973

The Laws' Delays' Committee recommended that the originalm proposals of the Chief Court may be given effect to and if there is any extra cost over and above the annual savings, the extra cost should be borne by Govt. This was not accepted and Govt. directed that the process fees may be raised by 25% all round and a revised scheme submitted to Govt.limiting the extra expenditure to the extra amount realised. The Chief Court expect that the additional realisations by raising the fees by 25% all round will be Rs.30000/-.The Financial Secy.suggested that the revised scheme of the Chief Court limiting the extra cost to Rs.20000/- may be accepted.

(1) M/P

1

(a)

(b

21 Nazirs.	35-3-5[illegible]	-	97[illegible]
160 Amins	[illegible]-26	-	3904
456 Process servers.	11-½-18	-	6931 1/5
R.C.P.Allowance.			27
			11833 9/20
	Present cost.		9364
	Extra cost.		2469 9/20 x 12 - 29633 8/0 p.a.

Points for consideration.

(1) Whether the rates of process fees may be raised by 25% all round as ordered -

If it is ~~not~~ raised, whether the revision limiting the extra cost to Rs.20,000 or Rs.30,000 has to be given effect to -

(2) Whether the rates of process fees should remain the same as at present in Munsiffs' Courts and Small Cause courts and in the Sub Courts and Dt.Courts. raised
(Dewan Bahadur SirK.P.Puttanna Chetty's recommendation in the L.C.) If this is given effect the extra realisations may be taken to be Rs.10,000 ~~being out~~ leaving out of account the fees that may be realised in Small Cause cases filed in the Sub Courts. Govt.may have to make up the amount to give effect to the scheme of Rs.20000/- or Rs.30000/-

(3) Whether the rates may be raised to Madras or other British Indian level in all original cases and the present rates adopted in Small Cause Cases.

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Munsiff - Magistrates.

(1) The Scheme setforth by the Laws' Delays' Committee. Page 407 of the Report.

The Munsiffs and Sub Judges to be combined with the Special Magistrates.

(a) One Munsiff magistrate for every 2 taluks with eight officers in reserve for being posted to heavy taluks like Bangalore and Mysore.

(b) One Sub-ordinate Judge Magistrate for every Dist. with 4 in reserve for special areas like K.G.F. Bangalore and Mysore cities.

Distribution as follows:-

2 City Magistrates for Bangalore and Mysore.
1 Spl.1 grade - magistrate for K.G.F.
2 Small Cause courts at Bangalore and Mysore.
~~8~~ Sub Judge Magistrates one for each District.

~~38~~ munsiff magistrates for 76 Taluks at one each for 2 Taluks
5 Others spare for distribution as wherethere magistrates are wanting

43

43+13= 56

Sectt.Scheme. vide notes attached separately.-

Chief Justice Doraswamy Iyer's views.

1) People are generally against combination
2) Besides there is the difficulty as regards vacation ~~to~~
3) Civil work will be held up.
4) Capital expenditure by way of buildings will be 2½ to 3 lakhs.
5) It is not worth while to incur this additional expenditure for a scheme which is suggested mainly for the purpose of finding additional work for the special magistrates who have not sufficient work as at present.

Sectt. Notes.

There seems to be nothing inherently wrong ~~present~~ as these functions were combined Baroda.

The scheme suggested by the Laws' Delays' Committee may be tried.Govt need not incur the extra expenditure by way of buildings as the courts can be located in rented or Govt. buildings whichever available.

(2) It gives sufficient scope for the Asst. Commrs.and Amildars to be trained in Criminal work as the spare 5 officers can be given purely criminal work like the city magistrates and the Spl.Magistrates,K.G.F.

Merits. The scheme was a rough one and details were intended to be worked later on. Besides the above advantages pointed out there will be savings in the Sectt.Scheme which may well be utilised for rent and other necessary purposes.

(2) The defects pointed out can be remedied by a judicious redistribution (vide notes attached.)

20)

Stipendiary Magistrate's Courts.

.S. Doraiswamy's views.

can be effected without extra cost as follows:-

(1) The First Grade Magistrates to be reduced from 8 to 3 and designated as special grade magistrates their pay being Rs. 500-50/1-600 as at present. 3

(2) Twelve First Grade Magistrates in Munsiff's cadre (200-25/1-450) instead of special 12

(3) Twenty four Second Grade Magistrates on Rs.150-25/2-200 instead of 12 Third grade Magistrates on Rs.150-25/2-250. 24

The savings on account of reduction in No.(1) above are expected to meet the extra cost on account of the increase in number in serials (2) and (3)

39

Present - 8
9
12

Secretariat notes.

No provision has been made for 4 places of Senior Asst.Commrs. for being trained in Criminal work.

The present Munsiffs will lose 8 places in the Special First Grade Judges grade.

There will not be much reduction in distances also as each Second grade magistrate (corresponding to the Special Third Grade Magistrate) will have, jurisdiction over 3 taluks which is almost the same as at present.

The abolition of Bench Courts may not be accepted by the public.

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Circuit System.

Recommendations-

Secretariat Notes.

1) Tumkur District.

a) The First Class Magistrate at Tumkur to visit Maddagiri for the trial of 1st class cases of Pavagada and Maddagiri.

b) and the Second Class Magistrate at Maddagiri to visit Pavagada for the trial of 2nd and 3rd class cases.

The Magistrate at Maddagiri may be invested with 1st class powers and be the suggestion (b) above may be adopted in cases including 1st Class cases of the Pavagada Taluk.

c) The Second Class Magistrate Tiptur to visit Chiknaikanhalli for the trial of 2nd and 3rd class cases of that Taluk.

2) Chitaldrug District.

a) The Second Class Magistrate, Chitaldrug to go to Chellakere for the trial of second and 3rd class cases of Chellakere and Kolakalmuru.

The alternative recommendation to locate this Court at Chellakere may perhaps be adopted.

b) The Davangere Magistrate to go to Hosdurga for the trial of Second and Third class cases of Hosdurga and the hoblis of Kolalkere South of the station.

3) Shimoga District.

a) The Special First Grade Magistrate to go to Sagar for trial of 1st class cases of that division.

If this recommendation in (b) is adopted, there may be no Magistrate at Headquarters for Shimoga. The Major Magistrate may be empowered with 1st class powers.

b) The Second [illegible] Chandragutti or [illegible] Honnali [illegible] Shimoga [illegible]

(c) The Second Grade Magistrate at Sagar to go to Shiralkoppa to try 2nd and 3rd class cases of Shikarpur and Sorab.

(c) Shiralkoppa is an unhealthy place. There will be no legal help. There is no lockup. The accused will have to be marched either to Sagar or to Sorab. The Chief Court were against this proposal.

4) Mysore District

d) The Second Class Magistrate at Hunsur to go to Heggadadevankote and the Magistrate at Nanjangud to go to Chamrajnagar for trial of cases of Yelandur and Chamrajnagar.

A local Stationery officer at Hunsur and Nanjangud will have to receive complaints if the proposals are sanctioned.

5) Hassan District.

trial of 2nd and 3rd class cases of Belur.

b) The Magistrate at Hole Narasipur to go to Channarayapatna to try 2nd and 3rd class cases of that Taluk.

On account of cost the Chief Court were against this proposal.

6) Kolar District.

a) The Magistrate at Chikballapur itinerate to Bagepalli for the trial of cases of that Taluk.

b) The Second Class Magistrate at Kolar to go to Chintamani for the trial of Second and Third class cases of that Taluk.

7) Mangalore District.

No necessity to introduce the system.

8) Kadur District. do.

Recommendation- redistribution of work in the existing criminal courts.

Secretariat Notes.

1) Mysore District.

The existing jurisdiction may continue.

2) Chitaldrug District.

a) Jagalur may be transferred to the Davangere Court.

b) The second class Court to be shifted from Chitaldrug to Challakere otherwise the suggested itineration to be adopted. — May perhaps be done.

3) Kolar District.

No change if the itineration suggested is adopted. — May perhaps be done.

4) Shimoga District.

Summary powers may be given to 1st class Magistrate. — do.

5 and 6 Tumkur and Hassan. same as Kolar.

7) Bangalore District.

a) The City Magistrate may be given power to transfer cases under Section 192 Cr.P.C.

b) Cases under Chapter XII may be transferred to the City Magistrate from the Sub Division Officer.

c) The first class cases of Bangalore Taluk may be added on to the 2nd.First Grade Magistrate.

c) Kadur District

a) The Munsiff at Narasimharajapura to be given criminal jurisdiction over Sringeri, Koppa and Narasimharajapura.,

This is a longstanding question. The Chief Court also were in favour of the proposal. The Laws' Delays' Committee suggested that the Munsiffs' Court may be shifted to Tarikere and given criminal powers and the Tarikere Court Court abolished.

b) The Tarikere Magistrate to try cases of breach of contract also withdrawing the same from the Amildar.

c) The Sub Division Officer to try 1st class cases whenever the Special First Class Magistrate cannot try any cases on personal or other grounds.

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Recommendation.

The Bench Courts except at District Head Quarter towns may be abolished.

Historical note -

Government some time back abolished Bench Courts in places where special Magistrates courts are located and where such special Magistrates had not sufficient work. This raised a storm of opposition in the A.A. and an adjournment motion was brought up and discussed. This measure if adopted may not be popular.

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Association of stipendiary magistrates with the honorary magistrates.

This is not possible for following reasons:--

(i) Special magistrates cannot often leave their headquarters to preside over bench courts.

(ii) Amildars being touring officers will not be available.

(iii) If Amildars are to be presid e this will be a revision to presepuration days.

Payment of batta to witnesses.

The Chief Justice Mr.C.S.Doraswamy Iyer's views.

The present system of paying batta and travelling allowance to ~~poor~~ persons and to persons who have at considerable expense to ~~their~~ is sufficient.

Secretariat Notes.

The question has often been brought up for discussion in the M.A. and the Chief Court were requested to furnish an estimate of cost with the classes of cases in which batta may be paid. They furnished their views that batta and T.A. may be paid -

(1) in all non-bailable cases

(2) in cases instituted under the orders of approval of Govt.

(3) in cases where ~~as~~ witnesses are compelled to attend under section 540 Cr.P.C.

The estimated cost will be Rs.5,5000 at Re.1/-per ~~witnesses~~. On account of financial stringency no provision was made in the budget and it has been ordered to be brought up in March '28.

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Draft. 175

Summary of discussions at the meeting of the Judges of the Chief Court with the Dewan and Members of Government, held on 3rd September 1927.

P r e s e n t.

Amin-ul-mulk
Mirza M.Ismail, C.I.E., O.B.E., (Dewan).

K. Chandy, Esq, B.A. (First Member.)

Rajakaryaprasakta Diwan Bahadur
M.N. Krishna Rao, Esq, B.A., (Second Member)

C.S. Balasundaram Iyer, Esq., B.A., (3rd Member)

C.S. Duraswami Iyer, Esq., B.A.B.L.,
(Chief Judge)

D.A. Rama Rao, Esq., B.A.B.L.,
(Judge Chief Court.)

G. Srinivasa Iyer Esq, B.A.B.L.,
(Judge, Chief Court.)

Messrs.
N. Madhava Rao, Esq., B.A.B.L.,
Chief Secretary to Govern[redacted]
and
B. Srinivasa Iyengar, Esq., B.A.B.L.,
Financial Secretary to Govt.,

also attended.

First and Second Grade Magistrates may be absorbed in the case of Subordinate Judges and Munsiffs as the case may be if they were recruited from the bar; otherwise as Assistant Commissioners or Revenue Officers (Non-Civil Service). Special Magistrates Third Grade may be absorbed among Munsiffs. Financial Secretary will consider if a single time scale can be fixed or if two classes of Munsiffs should be created. The arrangement should in either case involve additional cost.

216 2.

2. The question of abolishing Bench Courts as a general rule may be dropped. These Courts may be retained and such of them as are by experience found to be unnecessary or unsatisfactory may be abolished, each case being considered on its merits.

3. Circuit system and redistribution of jurisdiction of Criminal Courts may be tried, subject to changes, if any, to be made as a result of the decision to retain Bench Courts.

4. The question of paying batta to witnesses attending Magistrates' Courts will be dropped.

5. Location of Munsiffs Courts at Closepet and Hunsur is approved; and if accomodation is available at Tiptur, the location of a Munsiff's Court there may be considered. The location of a Court at Honnali is not necessary.

6. Combination of functions Civil Judicial and Criminal. This Scheme will not be dropped as a general rule, but under-worked Magistrates should be given more work by the Chief Court by transferring Civil Suits to them for trial and Munsiffs in charge of light courts may be given Criminal work.

7. Raising the scale of Process Fees. The recent order enhancing the scale by 25 percent may be given effect to; and proposals of the Chief Court for the revision of the salaries of the Process establishment may be sanctioned. (cost about Rs. 30,000).

8. ~~Re-organization of the clerical establishment. Proposals of the Chief Court as modified by the Financial Secretary may be adopted.(Cost~~

8. Re-organisation of the Clerical Establishment.

The proposals for revision as agreed to by the Chief Judge in consultation with the Financial Secretary may be accepted.

9. The four Assistant Commissioners in the First Grade of Special Magistrates may be reduced to three and the number of Sub-Judge Magistrates raised correspondingly.

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Proceedings of the Govt of H.H.
the Maharaja of Mysore.

Read:-

~~Para 9 of~~ G.O.No.P.5329-53/Cts. 263-26-1 dated 4-4-1927 passing orders on the recommendations of the Laws' Delays' Committee, stating that the question of the combination of civil and criminal functions will be considered after receipt of further information -- called for from the Chief Court.

Letter No.ROC.956 dated 28th July 1927 from Mr.Justice C.S.Doraswami Iyer, reporting on the improvements for the administration of Criminal Justice in the State and on the question of the combination of civil anf criminal functions ref. in para 9 of G.O. No P.5329-53/ 263-26-1 dt---4.4.27

Order No.P. 1630-44 Cb-227-26-9A

Bangalore, the 192 .

The Laws' Delays' Committee having observed in their report that there has been ~~the~~ was unequal distribution of work in the Special Magistrates' -- Courts, Mr.Justice Doraswami Iyer was requested to study this question and in ~~this connection also~~ to investigate the feasibility of combining civil judicial and criminal functions in the same officer and submit a report to Government with his suggestions thereon. He toured throughout the State, collected evidence

evidence from judicial officers, members of the Bar and ~~also~~ representatives of the public in the localities concerned, and has sent up his proposals to Govt.

After a careful consideration of the various suggestions placed before him he has set forth his recommendations:

2. In his report, Mr.Justice Doraswami Iyer after observing that the -- scheme of the combination of civil and magisterial functions is not only against principle but is also not favoured by majority of the people, has made the following proposals:-

(i) The number of criminal courts may be increased by raising the cadre of stipendiary magistrates from 29 to 39, their pay being suitably revised so as not to involve extra cost and that they should ~~try~~ be empowered to all cases including those now being tried by the Bench Courts, or in the alternative that the circuit system may be adopted whereby some of the Special Magistrates may itinerate to places from which people find it inconvenient to go to the Magistrates' Courts.

(ii) The territorial jurisdiction of the Courts may be revised;

(iii) ~~(iii)~~ Instead of paying batta to witnesses generally, the amount which will be incurred on that account may be utilised for the establishment of additional courts so as to bring justice near-er to the home of the people. Batta may, however, continue to be paid to witnesses who are poor and to persons who have

at

at considerable expense to go to courts.

3. After a careful consideration of the proposals of Mr.Justice C.S.Doraswami Iyer and in consultation with the Judges of the Chief Court, Government are -- pleased to order as follows:-

(i) Government consider that it is not expedient to abolish all the Bench Courts, but such of them as are ~~by experience~~ found to be unnecessary or unsatisfactory may be abolished, ~~each case being considered on its own merits;~~

(ii) The recommendations in the report as regards the circuit system and re-distribution of jurisdiction of criminal courts may be tried, subject to changes, if any, to be made as a result of the decision to retain the Bench Courts. The Chief Court is requested to forward final proposals on this point for the sanction of Government.

(iii) The present rule as to payment of batta to witnesses attending criminal courts may continue, ~~for the reasons mentioned in para 2 (iii) above.~~

(iv) The scheme of combining civil, judicial and criminal functions will not be adopted as a general rule, but ~~under-worked Magistrates may be given more work~~ by the Chief Court by transferring civil ~~suits to them for trial and~~ Munsiffs in charge of light courts may be given criminal work.

4. Separate orders will be passed ~~on the question of the~~ amalgamating of the civil and magisterial ~~functions~~ Cadres.

5. Government wish to express their obligation to Mr.Justice C.S.Doraswami Iyer for the ~~very elaborate~~ Carpul enquiry he made into the defects of the existing criminal courts and for the very lucid report which he submitted.

Secretary to Govt.,
Law Department

To

The Registrar, Chief Court.
" Comptr., ~~thro' Fl.Secrt.~~
" Secretaries to Govt.
" Dt.Magtes. of Dts.
Press Table.

KNN

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 1630-44—Cts. 227-26, dated 24th September 1927.

Improvement in the Working of Criminal Courts.

Passes orders on the proposals for the ——.

READ—

Letter No. ROC. 956, dated 28th July 1927, from Mr. Justice C. S. Doraswami Iyer, reporting on the improvements for the administration of Criminal Justice in the State and on the question of the combination of civil and criminal functions referred to in para 9 of Government Order No. P. 5329-53—Cts. 263-26-1, dated 4th April 1927.

ORDER NO. P. 1630-44—CTS. 227-26, DATED 24TH SEPTEMBER 1927.

The Laws' Delays' Committee having observed in their report that there was unequal distribution of work in the Special Magistrates' Courts, Mr. Justice Doraswami Iyer was requested to study this question and to investigate at the same time the feasibility of combining civil, judicial and criminal functions in the same officer and to submit a report to Government with his suggestions thereon. He toured throughout the State, collected evidence from judicial officers, members of the Bar and representatives of the public in the localities concerned. After a careful consideration of the various suggestions placed before him, he has submitted to the following recommendations:—

(i) The territorial jurisdiction of the courts may be revised;

(ii) Instead of paying batta to witnesses generally, the amount which will be incurred on that account may be utilised for the establishment of additional courts so as to bring justice nearer the home of the people. Batta may, however, continue to be paid to witnesses who are poor and to persons who have to go to courts at considerable expense;

(iii) The number of criminal courts may be increased by raising the cadre of stipendiary magistrates from 29 to 39, their pay being suitably revised so as not to involve extra cost and that they should be empowered to try all cases including those now being tried by the Bench Courts, or in the alternative that the circuit system may be adopted.

2. In consultation with the Judges of the Chief Court, Government are pleased to order as follows:—

(1) The working of the Bench Courts in the various parts of the State may be examined and such of them as are found to be unnecessary or unsatisfactory may be abolished. The courts that are working satisfactorily should be retained.

(2) Subject to the decision above the recommendations in the report as regards the introduction of the circuit system and the redistribution of jurisdiction of criminal courts may be tried. The Chief Court is requested to forward final proposals on this point for the sanction of Government.

(3) The present rule as to payment of batta to witnesses attending criminal courts may continue.

(4) Government have decided to combine the magisterial and civil judicial cadres into a single judicial cadre; and orders will issue separately on the matter.

No. P. 1630-44—Cts. 227-26, dated 24th September 1927.

(5) The scheme of combining civil judicial and criminal functions will not be adopted as a general rule, but when a judicial officer in charge of criminal work is found not to have sufficient work he may be asked to try civil suits also and Munsiffs in charge of light civil courts may similarly be given criminal work.

3. Government wish to express their obligation to Mr. Justice C. S. Doraswami Iyer for the careful enquiry he made into the defects of the existing criminal courts and for the very lucid report which he has submitted.

R. RANGA RAO,
Secretary to Government,
Law Department (in charge).

To—The Registrar, Chief Court.
The Comptroller to Government.
The Secretaries to Government.
The District Magistrates of Districts.
PRESS TABLE.

Exd.—P. S. R. N.

W D 787—GPB—605—12-10-27

Proceedings of the Govt. of H.H.
the Maharaja of Mysore.

Read -

Para 5 (2) and (5) of G.O. No.P. 5239-52/Cts. 263-26-1 dated 4th April 1927 sanctioning (i) the establishment of a Sub Judge's Court at Bangalore for a period not exceeding two years, (ii) the transfer of the additional Munsiffs' Courts at Mysore and Bangalore to Mandya and Closepet respectively and the establishment of a new Court at Hunsur, and (iii) the establis-ment of three Temporary Munsiffs' Courts for one year for clearing arrears in Munsiffs' Courts, at places to be fixed by the Chief Court.

2. Report dated 10th August 1927 ~~of~~ by Mr. Justice Doraswami Iyer suggesting certain modifications of the arrangements sanctioned ~~in~~ above.

Order No.P. 16457-74.

Dated, Bangalore, 1927.

On a careful consideration of the report and the representations and in consultation with the Chief Court, the Government are pleased to direct, in modification of the order read above, that the temporary Sub Judge's Court be located at Shimoga in the first instance.

2. They are further pleased to direct that the three temporary Munsiffs' Courts ~~referred to in the G.O. read above~~ be located as follows: -

(i) One Court to be located at Bangalore

(ii) One Court to be located at Shimoga for 6 months and then transferred to Sagar, and

(iii) One Court to be located at Chitaldrug for 6 months and then transferred to Davangere.

3. These Courts and the Munsiffs' Courts ordered to be located at Mandya, Closepet and Hunsur will commence work from the 14th October 1927.

4. The Chief Court is requested to consider the question of the location at Tiptur of one of the Munsiffs' Courts now at Tumkur, if accommodation therefor is available at the former place.

5. Notifications regarding the territorial jurisdictions of the several new Courts and the alterations in the jurisdiction of the existing Courts will be issued in due course.

Secretary to Govt.,
Law Department.

To

The Registrar, Chief Court.

The Comptroller to Govt.

The Deputy Commissioners of Districts.

Press Table.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS

G. O. No. P. 1645-54—Cts. 227-26, dated 24th September 1927.

Location of the New Additional Civil Courts.

Passes orders *re* the ——.

READ—

Para 5 (2) and (5) of Government Order No. P. 5239-52—Cts. 263-26-1, dated 4th April 1927, sanctioning (i) the establishment of a Sub-Judge's Court at Bangalore for a period not exceeding two years, (ii) the transfer of the Additional Munsiffs' Courts at Mysore and Bangalore to Mandya and Closepet, respectively, and the establishment of a new Court at Hunsur and (iii) the establishment of three temporary Munsiffs' Courts for one year for clearing arrears in Munsiffs' Courts, at places to be fixed by the Chief Court.

2. Report dated 10th August 1927, by Mr. Justice Doraswami Iyer suggesting certain modifications of the arrangements sanctioned above.

ORDER No. P. 1645-54—CTS. 227-26, DATED 24TH SEPTEMBER 1927.

Government are pleased to direct, in modification of the order read above, that the temporary Sub-Judge's Court be located at Shimoga in the first instance.

2. They are further pleased to direct that the three temporary Munsiffs' Courts ordered to be established at places to be fixed by the Chief Court may be located as follows:—

(i) One Court to be located at Bangalore ;

(ii) One Court to be located at Shimoga for six months and then transferred to Sagar; and

(iii) One Court to be located at Chitaldrug for six months and then transferred to Davangere.

3. These Courts and the Munsiffs' Courts ordered to be located at Mandya, Closepet and Hunsur will commence work from the 14th October 1927.

4. The Chief Court is requested to consider the question of the location at Tiptur of one of the Munsiffs' Courts now at Tumkur, if accommodation therefor is available at the former place.

5. Notifications regarding the territorial jurisdictions of the several new courts and the alterations in the jurisdiction of the existing courts will be issued in due course.

R. RANGA RAO,
Secretary to Government,
Law Department (in charge.)

To—The Registrar, Chief Court of Mysore.
The Comptroller to the Government of Mysore.
The Deputy Commissioners of Districts.

EXPD. P. S. R. N.

W D 738—GPB—540—12-10-27

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